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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE P.B. BALAJI**

**CRP No. 1940 of 2026**
**& CMP.No.8701 of 2026**

Ameerunissa Begum Sahiba Endowment,
Represented by its Secretary,
No.76, Bharathi Salai,
Triplicane,
Chennai – 600 005.

..Petitioner

Vs

Hafiz M.Abdul Samad

..Respondent

Prayer: Civil Revision petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 11.03.2026 in EA.SR.No.9925 of 2026 in E.P.No.2318 of 2025 in O.S.No.5765 of 2006 on the file of the X Assistant Judge, City Civil Court, Chennai.

For Petitioner(s): Mr.NA.Nissar Ahamed
Senior Counsel for
Mr.N.A.Nassir Hussain

For Respondent(s): Mr.R.Abdul Mubeen

**ORDER**

This revision has been filed to set aside the order dated 11.03.2026 in EA.SR.No.9925 of 2026 in E.P.No.2318 of 2025 in O.S.No.5765 of 2006 on the file of the X Assistant Judge, City Civil Court, Chennai.



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2.Heard Mr.NA.Nissar Ahamed, learned Senior Counsel for Mr.N.A.Nassir Hussain, learned counsel for the revision petitioner and Mr.R.Abdul Mubeen, learned counsel for the respondent.

3.The respondent obtained a decree against the revision petitioner, represented by its Secretary. The decree was affirmed up to the Hon'ble Supreme Court and the dismissal of service of the plaintiff, by order dated 22.06.2006, has been declared as null and void and consequently, the defendant has been directed to reinstate the services of the plaintiff as 'Pesh Imam' and consequently, a permanent injunction has been granted to restrain the petitioner from disturbing the plaintiff's peaceful possession and enjoyment of the suit property, except due process of law.

4.Mr.NA.Nissar Ahamed, learned Senior Counsel would state that the primary contention, that has been taken in the Section 47 application, is that the Secretary was not competent to represent the Endowment and it was only the Board of Trustees who were competent. In such view of the matter, he would state state that merely because the decree has been affirmed up to the Hon'ble Supreme Court, it cannot be a ground to reject the Section 47 application at the SR stage itself.



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5.Mr.Abdul Mubeen, learned counsel for the respondent would state that all these issues have been gone into even in the second appeal and it has been categorically found that the Secretary is competent to represent the Endowment.

6.These are all matters in dispute that have to be gone into. Admittedly, the Section 47 application has been filed, questioning the executability of the decree. Merely because the decree has been affirmed by the Hon'ble Supreme Court, it was not in any manner, take away the right of the petitioner to move an application under Section 47 of CPC.

7.In the light of the above, the Civil Revision Petition is allowed and the order dated 11.03.2026 in EA.SR.No.9925 of 2026 in E.P.No.2318 of 2025 in O.S.No.5765 of 2006 on the file of the X Assistant Judge, City Civil Court, Chennai, is set aside. The Executing Court is directed to number EA.SR.No.9925 of 2026 and shall provide an opportunity to the respondent-decree holder to file a counter and thereafter dispose of the said application, on its own merits and in accordance with law, on or before 30.09.2026, without being influenced by any of the observations that have been made in this order. No costs. Connected Civil Miscellaneous Petition is closed.

**15-07-2026**

ATA



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**P.B.BALAJI, J.**

**ATA**

To
The X Assistant Judge, City Civil Court, Chennai.

**CRP No.1940 of 2026**

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