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CRP No. 4839 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 4839 of 2025 and
CMP.No.24392 of 2025**

Ganesan

S/o.Natesan, Plot No.4, 1st Cross Street,
Mahakavi Barathiyar Nagar, Narasankuppam
Village, Mullikolathur Post, Thirukkalukundram
Taluk, Chengalpet District - 603 109.

..Petitioner(s)

Vs

1. Hashmath Jabeen
W/o.Late Mohammed Mustafa,
2. Farooq Ahmed
S/o.Late Mohammed Mustafa,
3. Faseeha Farhteen
D/o.Late Mohammed Mustafa,
4. Zaibunisa
W/o. Mohammed Ghouse,

..Respondent(s)

Civil Revision Petition filed under Article 226 of Constitution of India praying to set aside the order dated 26-06-2025 in EA.No.11 of 2025 in E.P.No.27 of 2022, passed by the learned District Munsif Cum Judicial Magistrate at Thirukkalukundram by allowing the CRP.

For Petitioner(s):

Mr.B.Sudhakar

For Respondent(s):

Mr. N.Sivaprakash
for RR1 to R4



ORDER

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This Civil Revision Petition has been filed challenging the impugned order dated 24.06.2025, passed by the District Munsif Cum Judicial Magistrate, Thirukalukundram in E.A.No.11 in E.P.No.27 of 2022 in R.L.T.O.P.No.1 of 2019.

2. The petitioner is the judgment debtor and the respondents are the 2nd to 5th decree holders in E.P.No.27 of 2022. The respondents/decreed holders have obtained a decree against the petitioners in R.L.T.O.P.No.1 of 2019 for eviction. The respondents/decreed holders filed E.P.No.27 of 2022 for executing the decree passed in their favour against the petitioner in R.L.T.O.P.No.1 of 2019. During the pendency of E.P.No.27 of 2022, E.A.No.11 of 2025 was filed by the petitioner/judgment debtor seeking for the appointment of an Advocate Commissioner to send the disputed signature in the acknowledgment in R.L.T.O.P.No.1 of 2019 to the handwriting expert of the State Forensic Department for comparison of signature and to get their opinion.

3. It is the contention of the petitioner/judgment debtor that no notice was served on the petitioner/judgment debtor in R.L.T.O.P.No.1 of 2019 and the respondents/decreed holders have played fraud upon the petitioner by forging the signature of the petitioner in the acknowledgment card placed on record before



the Rent Court in R.L.T.O,P.No.1 of 2019.

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4. Learned counsel for the petitioner would reiterate the contentions of this Civil Revision Petition in his submissions. He would reiterate that the decree holders have played fraud upon the petitioner by forging the signature of the petitioner in the acknowledgment card and the Rent Court in R.L.T.O.P.No. 1 of 2019 has also relied upon the said acknowledgment card for the purpose of recording due service of notice on the petitioner/judgment debtor in R.L.T.O.P.No. 1 of 2019.

5. On the other hand, the learned counsel for the respondents/decreed holders would submit that the Executing Court cannot go behind the decree passed in favour of the respondent/decreed holders. He would also submit that the suit filed by the petitioner/judgment debtor seeking to declare the decree obtained by the respondent/decreed holders before the Rent Court in R.L.T.O.P.No.1 of 2019 as null and void has also been dismissed for non prosecution. Therefore he would submit that the present Civil Revision Petition filed by the petitioner/judgment debtor is frivolous and vexatious.

6. During the course of his submissions, the learned counsel for the petitioner relied upon certain authorities rendered by various High courts to substantiate his contentions that if an order is made upon mistake or fraud

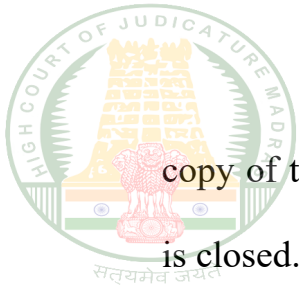


which affects the very validity of the order rendering it ineffective, it can be questioned even during the execution stage.

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7. Admittedly, the decree passed in favour of the respondent/decreed holders in R.L.T.O.P.No.1 of 2019 has attained finality. The suit filed by the petitioner/judgment debtor in O.S.No.47 of 2002 on the file of District Munsif, Tirukalukundram seeking to declare that the decree obtained by the respondent/decreed holders in R.L.T.O.P.No.1 of 2019 as null and void has also been dismissed for non prosecution. The Executing Court cannot go behind the decree that too when the decree has attained finality. The decisions relied upon by the learned counsel for the petitioner has no applicability to the instant case. There is no finding given by any Court of law declaring that the decree obtained by the respondents/decreed holders is null and void. Infact the suit filed by the petitioner/judgment debtor to declare the decree obtained by the respondents/decreed holders as null and void has also been dismissed for non prosecution.

8. For the foregoing reasons, this Court does not find any merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. The Executing Court is directed to dispose of the Execution Petition viz., E.P.No.27 of 2022, within a period of **two months** from the date of receipt of a



copy of this order. No costs. Consequently, connected Miscellaneous Petition
is closed.

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06-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
arr

To

The District Munsif cum Judicial Magistrate,
Thirukkalukundram.



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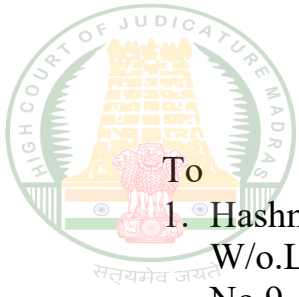


ABDUL QUDDHOSE, J.

arr

C.R.P No. 4839 of 2025

06-07-2026



To

1. Hashmath Jabeen
W/o.Late Mohammed Mustafa, Resding at
No.9, 2nd Street, DAE Township, Kalpakkam,
Chengalpet Dist- 603 102.
2. Farooq Ahmed
S/o.Late Mohammed Mustafa, Resding at No.9,
2nd Street, DAE Township, Kalpakkam,
Chengalpet Dist- 603 102.
3. Faseeha Farhteen
D/o.Late Mohammed Mustafa, Resding at No.9,
2nd Street, DAE Township, Kalpakkam,
Chengalpet Dist- 603 102.
4. Zaibunisa
W/o. Mohammed Ghouse, Rest.at Old No.28
New No.20, Mayura Apartments, Aziz Nagar,
1st Street, Kodambakkam, Chennai - 600 024.