



C.R.P(MD).Nos.674 and 675 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)Nos.674 and 675 of 2024
and
C.M.P(MD)No.3376 of 2024**

M.N.Abdul Kadhar

... Petitioner in both CRPs

Vs

Rahamath Beevi (Died)

Sahul Hameed (died)

1.Yusuf

2.Mahthoon

3.Akbar

4.Noor Mohamed,

5.Mohamed Ibrahim

6.Kayarunisha

7.A.S.Mydeen Abuthahir

8.Rahuman @ Abdul Kadhar

9.Mohamed Rabeek

10.A.Kaiba

11.S.Majeed

12.Saleem

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13.Maideen

14.Nagoor Kani

15.Ismail Begum

... Respondents in both CRPs

Common Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.02.2024 made in E.A.Nos.19 and 20 of 2023 in E.A.No.10 of 2020 in E.P.No.6 of 2019 in O.S.No.464 of 1995 on the file of the Principal District Munsif Court, Tenkasi and allow the Civil Revision Petition.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.A.Sheik Nasurdeen

For Respondent : Mr.K.Mohamed Sirajudeen

ORDER

This Civil Revision Petition is filed to to set aside the fair and decreetal order dated 03.02.2024 made in E.A.Nos.19 and 20 of 2023 in E.A.No.10 of 2020 in E.P.No.6 of 2019 in O.S.No.464 of 1995 on the file of the Principal District Munsif Court, Tenkasi and allow the Civil Revision Petition.



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2. Learned counsel for the petitioner submitted that pending E.P.No.6 of 2019, an obstruction petition was filed by the petitioner in E.A.No.10 of 2020. Pending the enquiry process, the petitioner seems to have been taken summons to the witnesses. That was not permitted by the Executing Court stating that it is not permissible and the same was closed. Against which this Civil Revision Petition has been preferred.

3. The respondent would submit that he has also filed C.M.P. (MD)No.3073 of 2024 before this Court. He makes his objections.

4. Considering the issue, it is seen that it is an issue between the petitioner and the Court. The Court has *suo motu* closed the evidence of the petitioner. Foreclosing the evidence is not proper. The petitioner is having every right to summon the witnesses. On the sole ground, the order of the learned Principal District Munsif, Tenkasi, is set aside. The petitioner is directed to produce witnesses on 25.03.2024 before the Executing Court. There shall be a direction to the learned Principal District Munsif, Tenkasi, to dispose the E.A.No.10 of 2020 as expeditiously as possible.



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5. With the above direction, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

13.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

- 1.The Principal District Munsif, Tenkasi.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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ORDER
IN
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