



Crp.Nos.576 & 577 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.Nos.576 & 577 of 2025
C.M.P.Nos.3264 & 3269 of 2025

In Both C.R.P.s:-

S.K.H.Kader Sultan

...Petitioner

Vs.

1.M/s.Emeson Developers,
Represented by its Authorized Signatory,
Mr.Syed Ahmed,
No.27/12, First Main Road,
Nungambakkam, Chennai – 600 034.

2.Syed Ahmed

...Respondents

PRAYER in C.R.P.No.576 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the order dated 08.01.2025 made in I.A.No.4 of 2024 in O.S.No.8228 of 2022 passed by the Learned XIX Additional City Civil Court at Chennai in so far as refusing to receive the 6 sale deeds dated 02.06.2020, 04.06.2020, 11.06.2020, 18.06.2020, 18.06.2020 and 24.07.2020 as additional documents is concerned and thus render justice.



Crp.Nos.576 & 577 of 2025

WEB COPY

PRAYER in C.R.P.No.577 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the order dated 08.01.2025 made in I.A.No.5 of 2024 in O.S.No.8228 of 2022 passed by the Learned XIX Additional City Civil Court at Chennai.

For petitioner : Mr.K.Mahalingam
For Respondents : Mr.Rahul Balaji for
Mr.P.Giridharan for R1 and R2

COMMON ORDER

(parties are referred to in the same ranking as before the trial Court)

(The narrative for both the civil revision petitions are same)

The Civil Revision Petition C.R.P.No.576 of 2025 is filed by the plaintiff challenging the order passed by the XIX Additional City Civil Court at Chennai, in I.A.No.4 of 2024 in O.S.No.8228 of 2022 in and by which the learned Judge had dismissed the plaintiff's petition to receive additional documents set out in serial numbers 1 to 27 in the petition.

2.The Civil Revision Petition C.R.P.No.577 of 2025 is filed by the plaintiff challenging the order passed by the XIX Additional City Civil Court at Chennai,



Crp.Nos.576 & 577 of 2025

WEB COPY

in I.A.No.5 of 2024 in O.S.No.8228 of 2022 in and by which the learned Judge had dismissed the plaintiff's petition to amend the plaint and incorporate para 17 to 19 of the I.A.No.2 of 2019.

3.The facts are briefly set out herein below:-

The plaintiff has filed the aforesaid suit O.S.No.8228 of 2022 on the file of XIX Additional City Civil Court at Chennai, seeking the following reliefs:-

a)For cancellation of the sale deed dated 06.08.2020, registered as Document No.447 of 2020 on the files of the SRO, Sowcarpet, Chennai, in respect of suit schedule mentioned property, which was obtained by the defendants from the plaintiff under force, coercion and undue influence.

b)To grant a permanent injunction restraining the defendants their men and agents in any from interfere with the peaceful possession and enjoyment of the suit property.

c)To award cost of the proceedings.

d)To pass such further or other orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case and thus render justice.

It is the case of the plaintiff that he is residing in the suit schedule property with his family consisting of 2 sons and two daughters, all of whom are married



WEB COPY

and living with their respective families. His first wife Jawhar Nisha died in the year 2005 and in 2007 the plaintiff had married one Sabeeya Beevi as second wife and he is blessed with the male child Abdul Rahuman who is the special child aged about 13 years. The plaintiff would submit that he is doing business as a commission agent selling spices and garments to Malaysia and had earned considerable money and out of his savings and the money which he received from his second wife by sale of her jewels he had purchased an extent of 1235 sqft described in the suit schedule hereunder from one Selvaraj and four others by a registered sale deed dated 15.10.2014. Since his second wife contributed for the purchase he had bequeathed the suit property in her favour by way of a Hiba on 02.02.2018 in the presence of his two daughters and one Jaffer John. The said Sabeeya Beevi is the absolute owner of the property in question. The plaintiff's elder son is employed in Bangkok and his younger son is employed with one Ahmed Fazul Hassan at Hong Kong and is doing business dealing in diamonds. Ahmed Fazul Hassan is the brother of the second defendant. The plaintiff would submit that his younger son was totally dependent on his boss from whom he was learning the nuances of diamond business. His son had also taken his family to Hong Kong and he started his own business. This created a bit of jealousy in his



Crp.Nos.576 & 577 of 2025

WEB COPY

ex-boss who feared competition. He started creating problems by making false allegations against his second son. He had threatened his son with dire consequences and had taken the entire family of his son captive at Hong Kong. As a result of which his son had given away his wife's jewellery and the business funds to his boss Ahmed Fazul Hassan. His passport was also snatched by the said Ahmed Fazul Hassan. The long and short of the allegations contained in the plaint was that on account of this threat, coercion and keeping his son and his family captive at Bangkok and Hong Kong the plaintiff was forced and compelled to execute a sale deed in respect of the suit schedule property which was given by him by way of an Hiba to his wife Sabeeya Beevi. This sale deed was dated 06.08.2020 and registered as document No.447 of 2020 on the file of SRO, Sowcarpet. It is the case of the plaintiff that though the sale deed had mentioned the passing of consideration actually consideration had not been passed. He would submit that the amounts were debited from the account of the defendants only on different dates from 07.08.2020 till 12.10.2020. Statement giving these details has been set out in the plaint. Plaintiff would further add that thereafter, the defendants had forced the plaintiff to withdraw the money by using self cheques and cheques issued in the name of his family members and the entire sum



Crp.Nos.576 & 577 of 2025

WEB COPY

of Rs.69,30,000/- which was paid between the period 07.08.2020 to 12.10.2020 had been taken back by the defendants. Therefore, the sale deed dated 06.08.2020 is not supported by consideration.

4.In addition to the above, the defendants had forced the plaintiff's son-in-law Firthous Khan and collected a sum of Rs.50,000/- every month commencing from October 2020 till May 2021, as if the defendants had entered into a rental agreement with him. The defendants had issued a legal notice to the plaintiff's son-in-law. The plaintiff would submit that he was forced to execute a sale deed in respect of a property which he had already gifted under a Hiba to his wife Sabeeya Beevi. His wife Sabeeya Beevi has also filed suit O.S.No.5110 of 2021 on the file of the City Civil Court, Chennai, challenging the sale executed by the plaintiff. The plaintiff apart from issuing a legal notice dated 07.09.2022 to which a reply was sent by the defendants on 21.09.2022 had also lodged a complaint before the Commissioner of Police, Vepery, Chennai on 15.10.2022. The plaintiff would submit that taking advantage of the fact that the plaintiff's sons can do nothing at Bangkok, since the second defendant's brother and nephews are highly powerful and influential persons in Bangkok, the defendants have managed to



Crp.Nos.576 & 577 of 2025

WEB COPY

hatch out a plan to usurp, the plaintiff's wife's property. Therefore, the plaintiff has come forward with this suit in question.

5.A written statement has been filed by defendants 1 and 2 wherein defendants had stated that the written statement was being filed without prejudice to the revision filed before this Court for striking of the plaint. The defendants had initially raised the issue of maintainability by contending that once the plaintiff claims that he has no title to the property then the suit filed by him was not maintainable. That apart the defendants had questioned the nonjoinder of the plaintiff's wife Sabeeya Beevi as a party to the suit. The defendants would further submit that the wife Sabeeya Beevi has already filed the suit O.S.No.5110 of 2021 on the file of the XV Additional City Civil Court, Chennai seeking the very same relief namely to declare the sale deed 06.08.2020 registered as Document No.477 of 2020 on the file of the Sub Registrar, Sowcarpet as null and void. The plaintiff herein who is the first defendant in the suit O.S.No.5110 of 2021 has remained ex-parte and is colluding with his wife to nullify the valid sale deed executed in favour of the first and second defendant. The suit therefore liable is to be dismissed. The defendants have denied the allegations of fraud and coercion



Crp.Nos.576 & 577 of 2025

WEB COPY

that has been made against them and would submit that the present suit is nothing but a sheer abuse of process of law, since the Hiba has set up in order to nullify the sale deed in favour of defendants 1 and 2. The execution of the Hiba was at no point in time communicated to the defendants by the plaintiff while entering into the sale deed dated 06.08.2020. Therefore, this Hiba is nothing but an after thought and a ruse to harass the defendants. The defendants would further submit that since the wife has already moved a similar suit, the present suit was hit by the provision of Section 41 of the Transfer of property Act. The defendants have purchased the property after duly verifying the documents and the Hiba was not produced nor referred to at any point in time. The defendants would submit that the first defendant firm represented by the second defendant has purchased the suit property from the plaintiff for a total sale consideration of Rs.70,00,000/-. The defendants would submit that they had paid a sum of Rs.69,30,000/- after deducting 1% TDS of Rs.70,000/-. Further the cheques were deposited and duly honoured. Therefore, all the other allegations contained in the plaint is absolutely false. The defendants would submit that they have taken out an application for rejecting the plaint and the same is pending. The defendants had proceeded to deny the contents of the plaint and ultimately prayed for the dismissal of the suit



Crp.Nos.576 & 577 of 2025

WEB COPY in question.

6.The defendants 2 and 3 had filed C.R.P.No.2308 of 2022 and C.R.P.No.2 of 2023 seeking to strike off the plaint in O.S.No.5110 of 2021 pending on the file of the XV Assistant City Civil Court, Chennai and O.S.No.8228 of 2022 on the file of XIX Additional City Civil Court, Chennai respectively. The revision petitions were dismissed with a direction to the learned Judges to try the two suits and dispose it of within a period of nine months from the date of receipt of copy of the order. This Court had directed the learned Judge to pronounce orders on or before 30.06.2025 and a report be submitted to this Court reporting compliance. Thereafter, it appears that the defendants 2 and 3 had filed Transfer O.P.No.89 of 2022 on the file of the learned Principle Judge, City Civil Court, Chennai to transfer O.S.No.5110 of 2021 on the file of XV Assistant, City Civil Court, Chennai. The learned Judge, City Civil Court, Chennai, dismissed the transfer petition since C.R.P.No.2308 of 2022 was pending before this Court. This was taken up on challenge before this Court in C.R.P.No.4169 of 2023 and by order dated 12.09.2024, this Court was pleased to dispose of the said Civil Revision Petition by transferring O.S.No.5110 of 2021 from the file of the XV Assistant



Crp.Nos.576 & 577 of 2025

WEB COPY

City Civil Court, Chennai to be tried along with O.S.No.8228 of 2022 pending on the file of the XIX Additional City Civil Court, Chennai. There were certain instructions also given about how evidence should be recorded and that the plaintiffs being husband and wife each of them should not be present during the oral evidence of the other.

7.After the suits were transferred the plaintiff has filed I.A.No.4 of 2024 for receiving documents and I.A.No.5 of 2024 for amending the plaint by incorporating facts set out in paragraph No.17 to 24 in the affidavit filed in support of I.A.No.4 of 2024. The plaintiff would state that the application to receive additional documents was being filed because the plaintiff had filed a petition to amend the pleadings and therefore there was a necessity to file additional documents in I.A.No.5 of 2024 re-proceeding the contents of the plaint in a concise format. The plaintiff would submit that the plaint has to be amended to incorporate all the facts set out in paragraph numbers 2 to 9 of the affidavit. Therefore, I.A.No.5 of 2024 was being filed.

8.The defendants have filed a counter affidavit stating that these



Crp.Nos.576 & 577 of 2025

WEB COPY

applications were yet another tactic to protract the proceeding particularly when the suit was at a stage where issues had been framed and the suit was at the stage of trial. The defendants would submit that the present applications are nothing but an attempt to delay the proceedings and harass the defendants by continuing to squat on the property. The defendants would submit that an entire new set of facts are introduced by virtue of the amendment and therefore they sought for a rejection of I.A.No.4 of 2024. As regards I.A.No.5 of 2024 apart from reiterating the earlier contents in the counter to I.A.No.4 of 2024, the defendants would submit that no reasons whatsoever have been given for receiving the additional documents.

9.The learned XIX Additional City Civil Judge, Chennai passed separate orders in both the I.A.'s. In I.A.No.4 of 2024, the learned Judge after extensively considering the documents that the plaintiff chose to file listed at serial Nos.1 to 17 were sale deeds in which the plaintiff is a party and the same had not bearing on the suit. The suit has been filed in the year 2022. The additional documents sought to be marked in S.Nos.1 to 17 pertain to the year 2020, which the Court is



Crp.Nos.576 & 577 of 2025

WEB COPY

not inclined to receive. As regards Serial Nos.20 and 21, 18 and 19 they are whatsapp conversation between son-in-law of the plaintiff and one Sadak Ali in the year 2020 and were totally irrelevant. With reference to I.A.No.5 of 2024 for amending the plaint, the learned XIX Additional Judge, City Civil Court, Chennai had held that the very amendment changes the basic character of the suit and a new cause of action is introduced which could not be allowed. That apart, the learned Judge held that a joint trial had been ordered in the matter and by raising all these amendments the disposal of this suits would get further delayed and dismissed both the interlocutory applications. Aggrieved by which the revision petitioner is before this Court.

10.Mr.K.Mahalingam appearing for the petitioner/plaintiff had extensively contended that the defendants have manipulated and coerced the petitioner into executing several documents. The document, which is subject matter of the suit, have been obtained by confining the son-in-law of the plaintiff and threatening them with physical harm. These factors according to the learned counsel has to be brought on record and therefore the amendment was required. The learned counsel would submit that it is also therefore necessary to permit the plaintiff to



Crp.Nos.576 & 577 of 2025

WEB COPY

file additional documents in support of his contention. Caveator was present.

Respondents 2 and 3 have already entered caveat in the matter and was heard at the time of the admission.

11.Heard the learned counsels on either side.

12.The affidavit filed in support of the petition for receiving additional document is totally bereft of pleadings. It does not clearly spell out the reasons for filing the said applications. He has also not given any details of the documents that are to be filed as to how they relate the suit. The learned Judge has given detailed reasons setting out how each of these documents are totally irrelevant to the facts of the case. The plaintiff's case is that he had been forced to execute the sale deed in respect of a property for which Hiba has already been given to the wife of the plaintiff, plaintiff would submit that these documents have to be filed since an amendment petition has been filed. Therefore, only if the amendment of pleadings is permitted, documents have to be filed.

13.The relief that is claimed by the petitioner/plaintiff is only with



Crp.Nos.576 & 577 of 2025

WEB COPY

reference to the sale deed dated 06.08.2020 registered as document No.447 of 2020 on the file of the SRO, Sowcarpet, as to how the documents that are proposed to be filed are relevant to the case on hand has not been set out either in the affidavit filed in support of the petition or in the arguments. Therefore, the order rejecting I.A.No.4 of 2024 cannot be faulted.

14.As regards I.A.No.5 of 2024 the same is filed for amending the plaint. The details of the amendment has been set out in the affidavit filed in support of I.A.No.5 of 2022. Mere reading of all these pleadings that are proposed to be introduced would clearly show that they do not relate to the grievance that is sought to be redressed in the main suit.

15.On the contrary it proceeds to build a totally a new case, pleading fraud with reference to various other documents. That apart the pleadings are sought to be amended with reference to the dealings of the plaintiff's son-in-law and daughter-in-law which do not have a direct bearing to the issue in the suit O.S.No.8228 of 2022. Further none of the above referred persons have challenged the documents that is stated to have been fraudulently obtained from them. In the



Crp.Nos.576 & 577 of 2025

WEB COPY

guise of the amendment, the plaintiff is attempting to contest the case of his son-in-law and daughter-in-law who are not parties to the proceedings. The trial Court has rightly rejected I.A.No.5 of 2022. Therefore, I see no reason to interfere with the order passed by the learned XIX Additional Judge, City Civil Court, Chennai.

16.Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17.02.2025

ep

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order

To

The XIX Additional City Civil Court
Chennai.

P.T.ASHA, J.,

15/16



WEB COPY



Crp.Nos.576 & 577 of 2025

ep

C.R.P.Nos.576 & 577 of 2025
C.M.P.Nos.3264 & 3269 of 2025

17 .02.2025