



C.R.P.No.4386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4386 of 2025

S.Rahman Khan (Died)

- 1.Shakirunissa
- 2.Mohammed Kaareen Khan
- 3.Saherra Banu
- 4.Kauser Banu
- 5.Shaik Gousia Begum

...Petitioners

Vs.

- 1.Faizul-Hoq
- 2.Shujal-Hoq
- 3.Z.A.H.Nasseerul-Hoq
- 4.K.Z.Anwarul-Hoq
- 5.K.Z.Mazharul-Hoq
- 6.D.K.Kanees Fathima Begum
- 7.Y.I.Bakir
- 8.S.Gaffarkhan

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the impugned order dated 25.07.2025 passed by the learned IX Assistant Judge, City Civil Court, Chennai in E.P.No.11 of 2025 and direct the learned Trial Court to proceed with the execution petition against all judgment debtors including the deceased ones as per procedure established by law.



C.R.P.No.4386 of 2025

WEB COPY

For Petitioners : Mr.G.R.Deepak

ORDER

The revision petitioners are the legal heirs of the decree holder in O.S.No.13830 of 2010. The decree was passed in favour of the decree holder S.Rahman Khan under whom the present revision petitioners claim right. The decree was passed on 31.08.2024, and the suit is for recovery of possession.

2. The case of the petitioners are that the judgment debtors 1, 3, 4 and 5 have been reported dead pending Execution proceedings and despite due diligence, the petitioners were unable to trace the legal heirs or the particulars of death of the said judgment debtors.

3. The grievance of the petitioners is that the learned IX Assistant City Civil Court, Chennai has dismissed the EP itself as abated against the deceased judgment debtors.

4. The learned counsel for the petitioners states that the decree is of the year 2012 and the EP has been filed in the 12th year and if the EP is



C.R.P.No.4386 of 2025

WEB COPY

dismissed, all doors will be shut on the petitioners once and for all. The learned counsel would therefore seek for a limited prayer to set aside the order of the learned IX Assistant City Civil Court, Chennai, with liberty to be given to the petitioner to take appropriate steps in the execution petition, to enable the execution petitioner to proceed with in accordance with law.

5. In view of the above, I am inclined to allow the revision petition by setting aside the dismissal of the EP as against the deceased judgment debtor as abated, with liberty to the petitioners to take appropriate steps in a manner known to law.

6. This Civil Revision Petition is allowed. No costs.

12.09.2025

Index : No
Internet : Yes
jas

To

The learned IX Assistant Judge, City Civil Court, Chennai.

3/5



WEB COPY



C.R.P.No.4386 of 2025

P.B.BALAJI. J,

jas



WEB COPY



C.R.P.No.4386 of 2025

C.R.P.No.4386 of 2025

12.09.2025