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C.R.P.No.5781 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5781 of 2025
and C.M.P.No.28722 of 2025

Thaslim Fathima

... Petitioner

vs.

Mahaboob Jan (Died)

1.S.Abdul Wahan Azher

2.A.Sheik Shahul Hameed

3.Beer Mohaideen

4.Seesain

5.Lopas Piyaz

6.The Commissioner,
Avadi Municipal Office,
Thiruvallur District, Chennai.

7.The Director,
Combat Vehicles Research and Development Establishment,
CVRDE, Avadi, Thiruvallur District, Chennai

8.The District Collector,
Collectorate Office, Thiruvallur District, Chennai.



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9.The Thasildhar, Taluk Office,
Poonthamalli, Chennai.

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10.The Village Administrative Officer,
Main Road, Avadi, Chennai.

11.Anwar Basha

12.Sathagathulla

13.Rahamathulla

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order and decreetal order dated 12.08.2025 passed in I.A.No.1780 of 2017 in I.A.No.388 of 2015 in O.S.No.774 of 2009 passed by the learned II Additional District and Sessions Judge, Tiruppur and allow the Civil Revision Petition.

For Petitioners : Mr.S.Kingston Jerold

For R8 to R10 : Mr.V.Ramesh
Government Advocate (CS)

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned II Additional District and Sessions Judge, Tiruppur allowing the application filed by the respondents 1 and 2/plaintiffs seeking police help and to break open to measure the subject matter of the suit schedule



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property in I.A.No.1780 of 2017 in I.A.No.388 of 2015 in O.S.No.774 of 2009, dated 12.08.2025.

2. Mr.V.Ramesh, learned Government Advocate (CS), takes notice for the respondents 8 to 10.

3. The respondents 1 and 2/plaintiffs filed a suit for partition against the petitioner in O.S.No.774 of 2009 on the file of the II Additional District and Sessions Judge, Tiruppur. In the said suit, an *ex parte* preliminary decree for partition was passed on 30.09.2013. Thereafter, an application was filed by the respondents 1 and 2 seeking passing of final decree in I.A.No.388 of 2015. In the final decree proceedings, an Advocate Commissioner was appointed and he visited the Items 1 to 5 of the suit property to execute the warrant issued to him. However, he could not execute the warrant, as he found the Item 3 of the suit property was locked. Therefore, he submitted a report regarding his inability to execute the warrant. Thereafter, the instant application has been filed by the respondents 1 and 2 in I.A.No.1780 of 2017 seeking police help and order for break open. The said applications were allowed by the Trial Court. Aggrieved by the same, the petitioner/1st



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defendant has come before this Court.

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4. It is seen from the records that the *exparte* preliminary decree was passed against the petitioners on 30.09.2013. Thereafter, an application was filed by them to set aside the *exparte* preliminary decree along with a petition to condone delay in setting aside the *exparte* preliminary decree in I.A.No.869 of 2017. The said application was dismissed for default. Thereafter, the petitioners filed restoration application. Since the *exparte* preliminary decree was passed as early as 30.09.2013, in final decree proceedings an Advocate Commissioner was appointed to measure the property and the petitioner, who is claiming to be in possession of the said premises obstructed local inspection by Advocate Commissioner and locked the premises.

5. Therefore, the instant application has been filed seeking to break open and to police help. The preliminary decree has been passed as early as 30.09.2013. Absolutely, there is no justification for dragging on the final



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decree proceedings by keeping the premises under lock and key. The attitude of the petitioner in locking the premises to prevent Advocate Commissioner from discharging his duty is not acceptable. Therefore, the Trial Court rightly allowed the application filed by the respondents 1 and 2 seeking police help and I do not find any error in the order impugned in this civil revision petition.

6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

1.The II Additional District and Sessions Judge,
Tiruppur.

2.The Commissioner,
Avadi Municipal Office,
Thiruvallur District, Chennai.

3.The District Collector,
Collectorate Office, Thiruvallur District, Chennai.

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4.The Thasildhar, Taluk Office,
Poonthamalli, Chennai.

5.The Village Administrative Officer,
Main Road, Avadi, Chennai.



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S.SOUNTHAR, J.

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