



CRP(MD). No.1057 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **17/10/2025**

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

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Mahaboob Beevi(Died)
Sulthan Bivi (Died)
Rahumathi Bivi (Died)
Noorjahan (Died)
Mumtaj (Died)
Syed Nurdin (Died)
John Batcha (Died)

1. Mohamed Ali Jinna
2. Jahangir Batcha
3. Pyari Jhan
4. M.Nowsath Begum
5. A.Mohamed Basheer
6. A.Abitha Begum
7. H.Sulthan Khan

... Petitioners

Vs

Kadar Khan (died)
Abdul Hamid Khan (Died)
M.Abdul Majeed Khan (Died)
Mahaboob Khan Sahib (Died)
Mumtaj (Died)
Rasool Bivi (Died)
Bibi John (Died)



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Amanulla Khan (Died)
Moidheen Basha (Died)
Heera Khan (died)
Razia Begam (Died)
Shajahija (Died)
Sardaj Begam (Died)

1. Piyari
2. Ghorl
3. Gulab
4. Abdul Azeez Khan
5. Asmath Banu
6. Abdul Salam Khan
7. Suriya Begum
8. Budadheen
9. Ibrahim
10. Fathima
11. Rahamathullah Khan
12. Kurshid Begum
13. Akbar Ali
14. Ibrahim
15. Kushkamar Begum
16. Zeenath Banu
17. Abdul Ajmal Khan
18. Masoodha Banu
19. Arshiya Fathima
20. Nawaziya Fathima
21. Mohammed Zohara
22. A.Babu
23. S.A.Noar Basha
24. S.S.Shakila
25. M.A.Tajan Bi
26. M.Ayub Khan
27. M.Nasar Khan
28. M.Yusuf Khan
29. M.Yasmin Nihar
30. Ammerunisha Begum
31. Sharfunihsa Begum



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32. Salma Begum
33. Minor Jasmine
34. Minor.Mohamed Suhail
35. Abdul Beig
36. Abdul Samad
37. Abdul Hameed
38. Nisha Banu,
39. V.Ilangumaran
40. Visalakshi

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order passed in I.A.No.996 of 2006 in O.S.No.1120 of 2006 on the file of the 1st Additional District Munsif Court, Madurai dated 03.06.2024 and to set aside the same as illegal.

For Petitioners : M/s.S.Mohamed Kadhar

For Respondent
Nos.39 & 40 : R.G.Sankar Ganesh

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed in I.A.No.996 of 2006 in O.S.No.1120 of 2006 on the file of the 1st Additional District Munsif Court, Madurai dated 03.06.2024



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2. This Civil Revision Petition has been filed challenging the dismissal order in I.A.No.996 of 2006 in O.S.No.1120 of 2006. The said I.A.No.996 of 2006 had been filed under Order XX Rule 12 of CPC, seeking to pass a decree for the recovery of immovable property and mesne profits as final decree and also filed under Order XXVI Rule 9 and 10 seeking to appoint an Advocate Commissioner to divide the suit schedule properties. In a suit that had been initially instituted in the year 1973, pending final decree application, certain parties have died and an application to bring on record the legal heirs has also been ordered. However, the petitioners herein who are the plaintiffs in the suit had not carried out the amendment as ordered and therefore the final decree application had been dismissed.

3. Further, it was not brought to the notice of this Court that the petitioners herein had filed an I.A.No.6 of 2024 as early as on 04.06.2024. When the same was pending before the court below, the petitioners had approached this Court challenging the order of dismissal made in I.A.No.996 of 2024. In the present civil revision petition, the petitioners have not disclosed the pendency of I.A.No.6 of 2024.



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4. In such view of the matter, this Court is of the view that the conduct of the petitioners would amount to abuse of process of this Court, as they have suppressed the pendency of the I.A.No.6 of 2024, therefore, the present Civil Revision Petition is liable to be dismissed. Accordingly, this Civil Revision Petition is dismissed. No costs. The petitioners herein are directed to pay cost of Rs.1000/- (Rupees one Thousand only) each to the District Legal Services Authority, Madurai District.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

1. The 1st Additional District Munsif Court, Madurai
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
3. The Officer-in-charge,
The District Legal Services Authority,
Madurai District.



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K.KUMARESH BABU, J.

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ORDER
IN
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Date : **17/10/2025**