

C.M.P.(MD)No.7893 of 2

C.R.P.(MD)No.SR28360 of 2025



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.M.P.(MD)No.7893 of 2025

in

C.R.P.(MD)No.SR28360 of 2025

1.Vimala
2.Sujin

...Petitioners

Vs.

1.Noorjahan
2.Mohammed Mytheen
3.Mohammed Iqbal

...Respondents

PRAYER in C.M.P.(MD)No.7893 of 2025: Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure, praying to grant leave permitting the petitioners to file this Civil Revision Petition against the order passed in I.A.No.4 of 2023 in O.S.No.108 of 2018 on the file of the Subordinate Judge, Kuzhithurai dated 19.01.2023.

PRAYER in C.R.P.(MD)No. SR28360 of 2025: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order



passed in I.A.No.4 of 2023 in O.S.No.108 of 2018, on the file of the Subordinate Judge, Kuzhithurai dated 19.01.2023.

For Petitioners : Mr.P.Sonu

ORDER

This Civil Miscellaneous Petition has been filed seeking to grant leave permitting the petitioners to file this Civil Revision Petition against the order passed in I.A.No.4 of 2023 in O.S.No.108 of 2018, on the file of the Subordinate Judge, Kuzhithurai dated 19.01.2023.

2.The Civil Revision Petition has been filed seeking to quash the order passed in I.A.No.4 of 2023 in O.S.No.108 of 2018, on the file of the Subordinate Judge, Kuzhithurai dated 19.01.2023.

3.Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

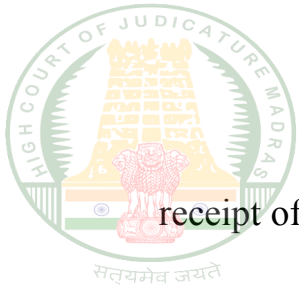
4.Learned Counsel for the petitioners would submit that the petitioners vendor namely Fedrick possessed title on the basis of the settlement deed executed by Rajanayagam and Gregoriammal. Already there is a title dispute between Rajanayagam and Gregoriammal and one Mohammed Iqbal, who is the defendant in O.S.No.108 of 2018. The second appeal was allowed in favour of



the petitioner's predecessors in title. For the very same property, one Noorjahan & Mohammed Mytheen filed another suit in O.S.No.108 of 2018, as against the very same Mohammed Iqbal, in which the plaintiffs themselves filed I.A.No.5 of 2023, to implead the petitioners as party to the proceedings and the said I.A. is pending. In the meanwhile, the plaintiffs filed I.A.No.4 of 2023 for re-issuance of warrant to the Advocate Commissioner to note down the physical features of the property. The said I.A.No.4 of 2023 came to be allowed, without issuing notice to the petitioners. Aggrieved by the same, the present Civil Revision Petition has been filed.

5.Learned Counsel prays this Court to issue a direction to the Advocate Commissioner appointed by the trial Court, to hear the petitioner and record his objections and direct the trial Court to dispose of I.A.No.5 of 2023 filed by the plaintiffs before the trial Court.

6.Considering the above facts, this Court is inclined to direct the Advocate Commissioner appointed through I.A.No.383 of 2018, to record the objections of the petitioners and permit the petitioners to produce documents along with objections and thereby file a report before the trial Court and the trial Court is directed to dispose of the I.A.No.5 of 2023, after providing opportunity to the necessary parties, within a period of four [4] weeks from the date of



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receipt of a copy of this order.

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7. Accordingly, this Civil Miscellaneous Petition stands disposed of. There shall be no order as to costs. Consequently, the main Civil Revision Petition is also disposed of at the SR stage itself.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Subordinate Judge,
Kuzhithurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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