



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.373 of 2022 and C.M.A.(MD).No.137 of 2022

and

C.M.P.(MD).No.1653 of 2022

C.R.P.(MD).No.373 of 2022

1.Mohamed Yusuf

2.Rabiyathul Basiriya

...Petitioners

Vs.

1.Subburaj

2.Jerina Begum

...Respondents

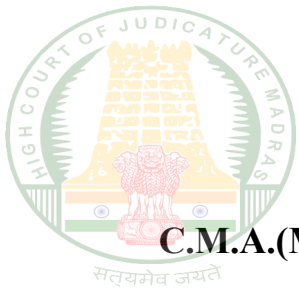
PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the order dated 19.10.2019 passed in I.A.No.35 of 2018 in I.A.No.15 of 2018 in O.S.No.27 of 2013 on the file of the Additional District Court (Fast Track Court), Kumbakonam and allow the Civil Revision Petition.

For Petitioners

: Mr.P.Sesubalanraja

For R-2

: Mr.G.Karnan



C.M.A.(MD).No.137 of 2022

WEB COPY

1.Mohamed Yusuf

2.Rabiyathul Basiriya

...Petitioners

Vs.

1.Jerina Begum

2.Subburaj

...Respondents

PRAYER: Civil Revision Petition is filed under Order 43 Rule 1(C) CPC to set aside the order dated 26.08.2019 passed in I.A.No.34 of 2018 in I.A.No.11 of 2018 in O.S.No.52 of 2014 on the file of the Additional District Court (Fast Track Court), Kumbakonam and allow the Civil Miscellaneous Appeal.

For Petitioners : Mr.P.Sesubalanraja

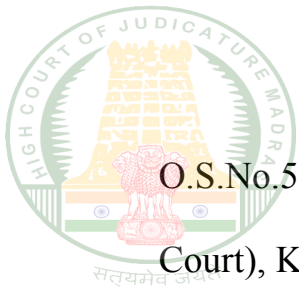
For R-1 : Mr.G.Karnan

For R-2 : No Appearance

COMMON ORDER

C.R.P.(MD).No.373 of 2022 has been filed seeking to set aside the order dated 19.10.2019 made in I.A.No.35 of 2018 in I.A.No.15 of 2018 in O.S.No.27 of 2013 on the file of the Additional District Court (Fast Track Court), Kumbakonam.

2. C.M.A.(MD).No.137 of 2022 has been filed seeking to set aside the order dated 26.08.2019 passed in I.A.No.34 of 2018 in I.A.No.11 of 2018 in



O.S.No.52 of 2014 on the file of the Additional District Court (Fast Track Court), Kumbakonam.

WEB COPY

3. The petitioners/appellants, who are the plaintiffs in O.S.No.52 of 2014 (filed for partition), are defendants 2 and 3 in O.S.No.27 of 2013 (filed for specific performance). The suit in O.S.No.52 of 2014 for partition was dismissed for default, whereas the suit in O.S.No.27 of 2013 for specific performance was decreed exparte. Challenging the same, the petitioners/appellants filed applications before the trial Court. Those applications were dismissed for default on 19.02.2018. To restore the said applications, further applications were filed, which also came to be dismissed. Aggrieved by the said dismissal orders, the petitioners/appellants have filed the present Civil Revision Petition and Civil Miscellaneous Appeal.

4. Mr.P.Sesubalanraja, learned counsel appearing for the petitioners / appellants and Mr.G.Karnan, learned counsel appearing for the second respondent would submit that during the pendency of these proceedings, the matter has been compromised between the petitioners and one of the respondents, viz., Subbu Raj. It is submitted that the petitioners have received a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as final settlement in respect of the suit schedule property from the said Subbu Raj. It is further submitted that apart from the above settlement amount, the first respondent has already



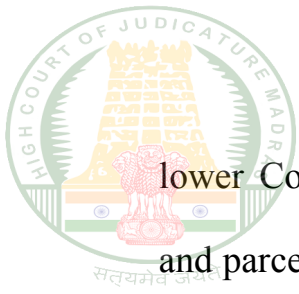
deposited a sum of Rs.2,84,273/- (Rupees Two Lakhs Eighty-Four Thousand Two Hundred and Seventy-Three only) before the lower Court and the petitioners may be permitted to withdraw the said amount along with accrued interest. To that extent, both parties have filed a Joint Compromise Memo before this Court.

5. In view of the compromise arrived at between the parties, both the Civil Revision Petition and the Civil Miscellaneous Appeal stand disposed of with the following directions:

(i). Since the petitioners have received a sum of Rs.6,00,000/- (Rupees Six Lakhs only) by way of Demand Draft No.685308 drawn on Tamil Nadu Mercantile Bank Limited, Kumbakonam, the decree granted by the trial Court in O.S.No.27 of 2013 on the file of the Additional District Court (Fast Track Court), Kumbakonam stands confirmed.

(ii) The subsequent sale deed executed in favour of the second respondent on 22.12.2021 shall be treated as valid and free from all encumbrances.

(iii) The petitioners are permitted to withdraw the entire sum of Rs.2,84,273/- (Rupees Two Lakhs Eighty-Four Thousand Two Hundred and Seventy-Three only) along with accrued interest lying deposited before the



lower Court. The Joint Compromise Memo dated 18.08.2025 shall form part and parcel of the order.

WEB COPY

No costs. Consequently, the connected miscellaneous petition is closed.

26.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

- 1.The Additional District Court (Fast Track Court), Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY

C.R.P.(MD)No.373 of 2
and C.M.A.(MD).No.137 of 2



M.DHANDAPANI, J.

TSG

C.R.P.(MD)No.373 of 2022
and
C.M.A.(MD).No.137 of 2022

26.08.2025