



C.R..P.(MD).No.2236 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2236 of 2025

Anandhan

... Petitioner(s)

Vs.

1. Muhamed Ibrahim

2. Yashmeen Begam

3. Farook Muhamed

4. Akbar Ali

5. Basheer Ahamed

6. Sarbudeen

7. Basriya Begam

8. Muhamed Usman

9. Ahamed Usman

... Respondent(s)

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to strike off the application filed by the respondents 1 to 7 under



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section 47 of the CPC in E.A.No.03 of 2025 in E.P.No.56 of 2024 in O.S.No. 36 of 2013 on the file of the Additional Subordinate Judge Dindigul and allow this civil revision petition.

For Petitioner : Mr.V.Janakiramulu

ORDER

This petition has been filed seeking to strike off the application filed by the respondents 1 to 7 under section 47 of the CPC in E.A.No.03 of 2025 in E.P.No.56 of 2024 in O.S.No.36 of 2013, on the file of the learned Additional Subordinate Judge, Dindigul and allow this civil revision petition.

2.The petitioner herein is the plaintiff in O.S.No.36 of 2013, before the trial Court. The respondents herein have filed E.A.No.03 of 2025 in E.P.No. 56 of 2024 in O.S.No.36 of 2013, challenging the execution of the decree.

3.The learned counsel appearing for the petitioner submits that the suit in O.S.No.36 of 2013 was decreed on 29.11.2018, directing the respondents 8 and 9 to execute a registered sale deed in favour of the petitioner and hand over possession within three months. The respondents 8 and 9 filed an appeal



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in A.S.No.21 of 2021 before the Additional District Court, Dindigul, which was dismissed for default on 21.09.2023. Subsequently, the restoration petition in I.A.No.2 of 2023 was also dismissed on 24.06.2024 for non-payment of costs and thus, the decree has attained finality. Meanwhile, the respondents 1 to 7 filed a suit for partition in O.S.No.194 of 2013 claiming co-parcenary rights over the same suit property. The suit was dismissed on 09.01.2018 and the restoration petition in I.A.No.2 of 2023 is still pending. Therefore, he prays that the petitioner may be permitted to raise all the grounds mentioned herein before the trial court. He also requests this Court to dispense with the personal appearance before the trial court.

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

5. This Court, taking into consideration the submission made by the learned counsel for the petitioner, permits the petitioner to raise all the grounds as raised herein before the trial court at the time of trial. Taking into consideration the request made by the learned counsel for the petitioner, the appearance before the trial court is dispensed with except for the appearance



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for the purpose of receiving the copy of the proceedings u/s 230 of BNSS, framing of charges, questioning under Section 351 of BNSS and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct him to appear on those days.

6. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

19.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Additional Subordinate Court, Dindigul.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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