



C.R.P(MD)No.321 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.321 of 2025

and

C.M.P(MD)No.1842 of 2025

1.Kadar Ibrahim Rowther & Sons
Represented by its Sharer Sharfudeen.

2.M.A.M.Service,
Represented by its Sharer Sharfudeen.

3.Sharfudeen

4.S.K.Roadways
Represented by its Sharer Sharfudeen.

... Petitioners/Respondents 1-4/
Judgment Debtor 1-4

Vs.

1.Aisma Ammal

2.Zakir Hussain

3.Syed Kadar Saleem

4.Sabir Salik

... Respondents/Petitioners/
Judgment Creditor



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5.Hafeez Motor Transports,
39, Sathiyamoorthi Road,
Pudukottai District.

6.A1 Hafeez Motor Transports,
39 Upstairs,
Sathiyamoorthi Road,
Pudukottai District.

... Respondents/ Respondents 5&6/
Judgment Debtor 5&6

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the fair and decreetal order, dated 05.02.2024 made in I.A.No.1 of 2022 in O.S.No.2637 of 2004 on the file of the learned Principal District Munsif Court, Trichy.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for Mr.J.Senthil Kumaraiah

For R2 - R4 : Mr.Raghuvaran Gopalan

ORDER

The present revision petition has been filed by the judgment debtors in O.S.No.2637 of 2004 on the file of learned Principal District Munsif Court, Tiruchirappalli challenging the order passed in the final decree proceedings, wherein an Advocate Commissioner has been



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appointed for the purposes of taking accounts of the 1st and 2nd defendants firms.

2. The learned Senior Counsel appearing for the petitioners had contended that though the suit was filed seeking rendition of accounts for 1st and 2nd defendants firms, a preliminary decree was granted for rendition of accounts only for the 2nd defendant firm. However, when the decree holders filed I.A.No.1 of 2022, a prayer was made for rendition of accounts for the 1st and 2nd defendants firms. Such a prayer was resisted by the defendants by filing a counter, specifically pointing out that there is no decree for rendition of accounts for the 1st defendant firm. Without considering the said objection, the final decree Court had proceeded to appoint an Advocate Commissioner under the impugned order with a direction to the 3rd defendant to render accounts with regard to the 1st and 2nd defendants firms.

3. According to the learned Senior Counsel appearing for the petitioners, the decree of the trial Court was confirmed in second appeal



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and later, Special Leave Petition filed by the respective parties have also been dismissed. When there is no decree for rendition of accounts for the 1st defendant firm, the final decree Court ought not to have appointed an Advocate Commissioner for rendition of accounts for 1st defendant firm.

4. The learned counsel appearing for the decree holders, on instructions submits that, due to some inadvertent mistake, a prayer was made with regard to 1st defendant firm also and the Court has proceeded to pass such an order.

5. Considering the above said facts, the order dated 05.02.2024 made in I.A.No.1 of 2022 in O.S.No.2637 of 2004 is hereby modified to the effect that the 3rd defendant shall render accounts of the 2nd defendant firm (M.A.M Service). As far as the order directing rendition of accounts with regard to 1st defendant firm (Kadar Ibrahim Rowther & Sons) is concerned, it is hereby set aside.



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6. With the above observations, this Civil Revision Petition stands partly allowed to the extent as stated above. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

06.02.2025

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

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To

- 1.The Principal District Munsif Court,
Trichy.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.321 of 2025

06.02.2025