



WEB COPY

SA No. 460 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

SA No. 460 of 2023

1. Haji Naziruddin
(deceased)1.Mrs.Rafia Begum
W/o.Haji Naziruddin, No.18,
Avvaishanmugham Road, Royapeetah,
Chennai - 600084. and 2 Others

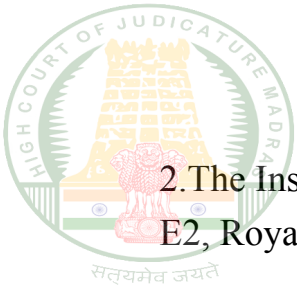
2. Mohammed Mustafa
S/o.Haji Naziruddin, No.18,
Avvaishanmugham Road, Royapeetah,
Chennai - 600084.

3. Mrs.Karimunnissa
D/o.Haji Naziruddin, No.18,
Avvaishanmugham Road, Royapeetah,
Chennai - 600084.

Appellant(s)

Vs

1. Nagamani (died)1.The
Commissioner
Corporation of Chennai, Chennai.



2.The Inspector of Police
E2, Royapettah Police, Chennai.

WEB 3.Palayam

W/o.Nagamani, No.126/1, Avvai
Shanmugam Salai, Royapettah,
Chennai 600 086.

4.N.Karthik
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.

5.N.Kutty
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.

6.N.Velan
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.

Respondent(s)

PRAYER

To set aside the Judgment and Decree dated 23.09.2022 passed in A.S.No.291 of 2011 by his Honour the Judge, I Additional City Civil Court at Chennai thereby confirming the Judgment and decree passed in O.S.No.782 of 2005 dated 18.03.2010 by the Honble Asst. Judge III City Civil Court at Chennai.

For Appellant(s): M/s.P.Bhaskaran
Al.Ramamoorthy
N.Ramakrishnan

For Respondent(s): M/s Ashwini Devi Takes Notice
For R1 (vide By Order Date
04/01/2024)
M/s Suriya Agp Takes Notice For



WEB COPY

SA No. 460 of 2023



R2 (vide By Order Date

04/01/2024)

M/s. S.Rajeswaran For Rr3 To 6

Pvt Notice

Aos Not Filed

ORDER

Heard learned counsel for the appellant.

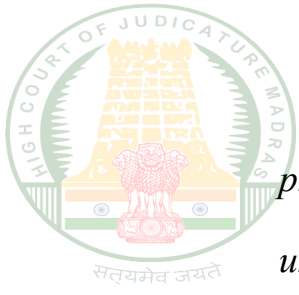
2.No representation of the learned counsel for the respondents 3 to 6.

3.The second appeal is admitted and the following substantial questions of law are formulated:

i. Whether the dismissal of IA.No.5 of 2022 is sustainable as per Order 41 Rule 27 (1)(aa) of CPC.

ii. Overlooking the provisions contained in Order VII Rule 3 CPC whether the Courts below are right in holding that the suit property is unidentifiable?

iii. Whether the findings of the 1st Appellate Court is perverse in holding that the 1st defendant is in possession of the



SA No. 460 of 2023



*property while the 1st defendant himself never claim to be a tenant
under the plaintiff?*

WEB COPY

4.List the case on 17.09.2025.

15-09-2025

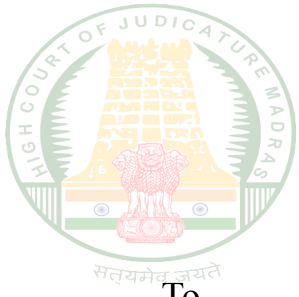
vsn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1.Nagamani (died)1.The Commissioner
Corporation of Chennai, Chennai.

2.The Inspector of Police
E2, Royapettah Police, Chennai.

3.Palayam
W/o.Nagamani, No.126/1, Avvai
Shanmugam Salai, Royapettah,
Chennai 600 086.

4.N.Karthik
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.

5.N.Kutty
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.

6.N.Velan
No.126/1, Avvai Shanmugam Salai,
Royapettah, Chennai 600 086.



WEB COPY

SA No. 460 of 2023



**K.GOVINDARAJAN
THILAKAVADI J.**

vsn

SA No. 460 of 2023

15-09-2025