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CMA.No.1412 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CMA.No.1412 of 2026
and C.M.P.No.12633 of 2026

1. Rahmath Bivi
2. Sajith Imran
3. Akbarbasha

... Appellants

Vs.

K.Dilvar Basha

... Respondent

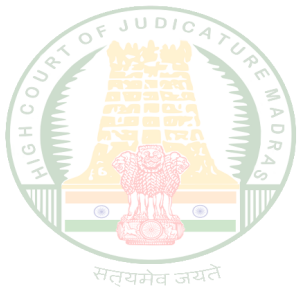
Prayer: Civil Miscellaneous Appeal filed under Order XLIII Rule 1(d) of Code of Civil Procedure, praying to set aside the Decree and Fair Order dated 19.12.2025 passed in I.A.No.1 of 2024 in OS.No.23 of 2021, on the file of the learned Additional District Judge (FTC), Arni, Tiruvannamalai District and allow this appeal.

For Appellants:

Ms.Elizabeth Ravi

ORDER

The learned counsel for the appellants submitted that the appellants are the defendants 2, 3 & 4 in O.S.No.23 of 2021 on the file of the learned Additional District Judge (FTC), Arni, Tiruvannamalai District, which was filed for delivery of possession. During the trial, the appellants were set *ex parte* and



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an *ex parte* decree was passed on 14.12.2022. Against the said decree, the appellants filed applications in I.A.Nos.1 and 2 of 2024 seeking to set aside the *ex parte* decree and to condone the delay in filing the application. The Trial Court dismissed both the applications. Against the dismissal of the condonation of delay application, the appellants preferred C.R.P.No.2831 of 2026, which is pending before the Bench dealing with revision petitions. The present Civil Miscellaneous Appeal has been filed against the dismissal of the application to set aside the *ex parte* decree. The learned counsel further submitted that since both proceedings arise out of the same suit, it would be appropriate to hear them together, to avoid multiplicity of proceedings and probable conflicting orders.

2. Since C.M.A.No.1412 of 2026 and C.R.P.No.2831 of 2026 arise out of the same suit in O.S.No.23 of 2021, this Court is of the opinion that it would be proper for both matters to be heard by one and the same Bench.

3.Hence, the Registry is directed to place this order before the Hon'ble the Chief Justice, for obtaining appropriate orders as to listing.

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