



SA(MD) NO. 450 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-09-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

SA(MD) NO. 450 of 2025

K.Kamal (Died)

1.K.Mujubunnisa Begum

2.Faritha Begum

3.Nasurulla

4.Samsath Begum

5.Mumtaz Begum @ Tharia

Appellant(s)

Vs

K.Abdul Rahiman

Respondent(s)

For Appellant(s):

Mr.H.Jasima Yasmin,
Advocate for M/s.Ajmal Associates

Prayer : Second Appeal is filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree dated 29.10.2024 made in A.S.No.195 of 2004 on the file of the learned II Additional Subordinate Judge, Tiruchirappalli, confirming the judgment and decree dated 30.07.2004 made in O.S.No.108 of 1991 on the file of the learned II Additional District Munsif, Tiruchirappalli.



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ORDER

Heard the learned counsel for the appellants.

2. Admit.

3. The following substantial questions of law are framed :

“ (a) Whether the plaintiffs can be non suited in its entirety for want of proper description of properties and hit by Order VII Rule 3 especially when the findings are categorically in favour of the plaintiffs when both the parties understand the same and when the defendant does not raise even doubt the situs of the said properties?

(b) Whether the Courts below erred in law in failing to exercise their jurisdiction to permit rectification of the property description under Order VII Rule 3 of the Code of Civil Procedure, 1908, instead of treating the defect as fatal to the Plaintiff's case?”

4. Notice. Private notice is also permitted.



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5. Registry is directed to call for the original records in A.S.No.195 of 2004 from the file of the learned II Additional Subordinate Judge, Tiruchirappalli as well as that of the learned II Additional District Munsif, Tiruchirappalli in O.S.No.108 of 1991.

6. List the matter in the usual course.

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P.VADAMALAI, J.

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