

ITEM NO.38

COURT NO.12

SECTION XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 10254/2025

[Arising out of impugned final judgment and order dated 04-11-2024 in SA No. 749/2024 passed by the High Court of Judicature at Madras]

KAANDEEBAN

Petitioner(s)

VERSUS

HABIB MOHAMMED & ANR.

Respondent(s)

(IA No. 92143/2025 - CONDONATION OF DELAY IN FILING  
IA No. 92146/2025 - CONDONATION OF DELAY IN REFILING / CURING THE  
DEFECTS IA No. 92145/2025 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT IA No. 92144/2025 - EXEMPTION FROM FILING O.T.)

Date : 14-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. S. Parthasarathi, AOR

For Respondent(s) Ms. D Naveena, Adv.  
Mr. V Puneedhan, Adv.  
Mr. Sriram P., AOR

UPON hearing the counsel the court made the following  
O R D E R

1. The delay of 22 days in filing and 8 days in refiling the present petition is condoned. Accordingly, I.A. Nos. 92143/2025 and 92146/2025 are allowed.
2. One of the submissions of learned counsel for the petitioner is that the suit was barred by *res judicata*/

Order II Rule 2 CPC, as no relief of possession was sought in the earlier suit for declaration.

3. Issue notice.

4. Ms. D Naveena, learned counsel along with Mr. Sriram P., learned Advocate-on-Record appears on caveat on behalf of both the respondents. She prays for and is allowed four weeks' time to file response in the matter. In view of the representation of both the respondents, there is no need for issuance of any formal notice.

5. In the meantime, the parties are directed to maintain *status quo* with regard to the nature and possession of the suit property.

(Nidhi Mathur)  
Court Master (NSH)

(Geeta Ahuja)  
Assistant Registrar-cum-PS