

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

Petition(s) for Special Leave to Appeal (C) No(s). 29623/2025

[Arising out of impugned final judgment and order dated 08-10-2025 in CMP No. 12846/2025 passed by the High Court of Judicature at Madras]

ABUL ABBAS

Petitioner(s)

VERSUS

NAJMUDEEN NADHEEM AHAMED & ANR.

Respondent(s)

IA No. 262383/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 31-10-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) Mr. V. Chitambaresh, Sr. Adv.
Mr. K. K. Mani, AOR

For Respondent(s) Ms. Haripriya Padmanaban, Sr. Adv.
Mr. Raghunatha Sethupathy B, AOR
Mr. Bharathimohan M, Adv.
Ms. V. Swetha, Adv.
Ms. Shreya Nair, Adv.

Mr. R. Thaigarayan, Adv.
Ms. T. Archana, AOR

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

1. Having heard learned counsel appearing for the parties, we are not inclined to interfere with the impugned order for the simple reason that OSA Sr. No.83142/2025 along with an Interlocutory Application No.12846/2025 have been filed after some delay.
2. Hence it would be apt and appropriate in the fitness of things for the Division Bench which is seized of the appeal to hear

the same in accordance with law, including the issue of delay as well as permission or leave sought to file the appeal, if not already granted.

3. In the meanwhile, the learned senior counsel appearing on behalf of the respondent No.1/appellant before the Division Bench would fairly submit, on instructions, that during the pendency of the appeal, they would not insist or seek for cancellation of the sale or setting aside the sale. Their submission is placed on record.
4. In that view of the matter, we make it clear that the Division Bench which is seized of the appeal would be at liberty to proceed as observed hereinabove (supra) and shall not cancel the auction sale during the currency of the appeal. However, we make it clear that this would not come in the way of the Appellate Court taking a call or a decision as regards the validity of the sale, while adjudicating the appeal and in accordance with law and after affording the opportunity to both the sides, including the trust which is the beneficiary of the auction sale.
5. In the meanwhile, the auction purchaser, namely, the petitioner before this Court shall not create and/or create any encumbrance of the auctioned property during the pendency of the appeal in any manner whatsoever.
6. Accordingly, the Special Leave Petition stands disposed of.
7. Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)