



C.R.P.(NPD)(MD)No.1873 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(NPD)(MD)No.1873 of 2023

and

C.M.P.(MD)No.9403 of 2023

Mutamil @ Asha

... Petitioner

Vs

1. The Thoothukudi Diocesan Association,
Through its Prosecutor and Secretary,
Tuticorin District.

2. A.M. Muthiah Nadar and Sons,
Through its Proprietor A.M.Marimutu Noble,
S/o. Muthiah Nadar, 51, G.C. Road,
Tuticorin.

3. A.M.M. Marimuthu Noble

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the CPC, praying to set aside the fair and decreetal order dated 05.07.2023 made in EA No.8 of 2023 in EP No. 119 of 2019 in OS No.237 of 2003 on the file of Principal District Munsif Court, Thoothukudi.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : M/s.Jesi Jeeva Priya for R1
No Appearance for R2



C.R.P.(NPD)(MD)No.1873 of 2023

ORDER

WEB COPY

This Civil Revision Petition is filed challenging the order passed by the Executing Court dismissing the claim petition filed by the petitioner in the execution proceedings.

2. When the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the petitioner as well as the respondents would submit that the possession of the suit property has been delivered to the first respondent/decreed holder and hence, the prayer sought for in the Civil Revision Petition has become infructuous.

3. The learned counsel appearing for the petitioner would submit that the movable property of the petitioner is in the custody of the first respondent and therefore, liberty may be given to the petitioner to work out her remedy in the manner known to law.

4. The copy of the order dated 05.09.2023 passed by the Executing Court in E.P. No. 119 of 2019, produced before this Court, would indicate that, while recording the delivery, the Executing Court observed as follows:



WEB COPY



C.R.P.(NPD)(MD)No.1873 of 2023

“Petitioner side counsel present. R2 present in person and reported that he is not ready to get back the movables immediately from the petitioner. Since the movables are under safe custody of the petitioner, further adjudication regarding such movables not necessary in the petition. It has to be taken back or disposed through supplemental proceedings in accordance with law. Since this delivery warrant executed by delivery the property to the petitioner on 1.9.23 this court is inclined to record the same. As such the delivery recorded. Hence this EP is terminated herewith ordered accordingly.”

Therefore, the Executing Court preserved the rights of the petitioner to get back the movables and therefore, he has to work out his remedy in the manner known to law.

5. With the above observations, this Civil Revision Petition stands dismissed. There shall be order as to costs. Consequently, connected miscellaneous petition is closed.

06.07.2026

NCC : Yes / No
Index : Yes / No
vsm



WEB COPY



C.R.P.(NPD)(MD)No.1873 of 2023

S.SOUNTHAR, J.

vsm

To

1. The Principal District Munsif Court, Thoothukudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P.(NPD)(MD)No.1873 of 2023

06.07.2026