

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2613 of 2016
and CMP No.13418 of 2016
and
Crl.O.P.No.19414 of 2016

C.R.P.(NPD)No.2613 of 2016

R. Papammal

... Petitioner

vs

1.R. Murthy

2.P.S. Kumaran

.... Respondents

Crl.O.P.No.19414 of 2016

R. Murthy

.... Petitioner

vs

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building.
EVK Sampath Road, Vepery,
Chennai – 600 007

2. The Joint Commissioner of Police,
North Zone, Pantheon Road,
Egmore, Chennai-600 008

3. The Deputy Commissioner of Police,
Washermenpet,
Chennai
4. The Assistant Commissioner of Police,
Royapuram Range, N-1, Police Station,
Chennai
5. The Inspector of Police,
N-1, Police station,
Royapuram, Chennai

Civil Revision Petition filed under Section 115 of the Civil Procedure to set aside the docket order passed by the Small Causes Court, Chennai in EP No.10 of 2015 in Ejectment Suit No.11 of 1992 dated 11.07.2016.

Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the respondents to provide the necessary police force along with women police to execute the order in EP No.10 of 2015 on the file of Registrar of Small Causes Court, Chennai.

For Petitioner in C.R.P	:	Mr.M. Gouthaman
For R.1 in C.R.P and for petitioner in Crl.O.P	:	Ms.Kanimozhi Mathi
For respondents in Crl.O.P	:	Mr.C. Emalias Addl.Public Prosecutor
For intervenor in Crl.O.P.	:	Mr.M. Gouthaman

COMMON ORDER

Challenging the docket order passed in the Execution Petition in E.P.No.10 of 2015 in Ejectment Suit No.11 of 1992 on the file of Registrar, Court of Small Causes, Chennai, the Judgment Debtor has filed the above Civil Revision Petition.

2. Pursuant to the decree passed in the Ejectment Suit No.11 of 1992, the respondents/decreed holders filed an Execution Petition in E.P.No.10 of 2015 for taking delivery of possession. In the Execution Petition, the judgment debtor filed a Memo stating that the schedule of property, mentioned in the suit and in the Execution Petition are different, therefore, the delivery should not be ordered by the Executing Court.

3. The Registrar, Court of Small Causes considered the Memo, filed by the Judgment Debtor and closed the same on 11.07.2016, finding that there is no confusion with regard to the identity of the property.

4. On a perusal of the schedule of property, mentioned in the

Ejectment Suit and in the Execution Petition, it is clear that the Decree Holders have mentioned the same door number, street name and the area. In the Ejectment suit and in the Execution Petition, the Decree Holders have mentioned the address of the property as Door No.94, Suryanarayana Chetty Street, Royapuram, Madras-600013. Therefore, when there is no confusion with regard to the identity of the property, I do not find merit in the memo, filed by the judgment debtor, which was rightly closed by the Registrar, Court of Small Causes, Chennai.

5. In these circumstances, the order passed by the Registrar, Court of Small Causes, Chennai dated 11.07.2016 is just and proper. I do not find any error or irregularity in the order passed by the Registrar, Court of Small Causes. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected CMP is closed.

6. Since the proceedings are pending from 1992, I direct the Registrar, Court of Small Causes, Chennai to dispose of the Execution Petition in E.P.No.10 of 2015 within three weeks from the date of receipt of a copy of this order. The Registrar, Court of Small Causes is also directed to direct the police to give adequate protection

to the Decree Holders for taking possession of the property.

CRL.O.P.No.19414 of 2016: The learned counsel for the petitioner sought the permission of this Court to withdraw the Criminal Original Petition and also made an endorsement to that effect. In view of the same, the Criminal Original Petition stands dismissed as withdrawn.

26-09-2016

sr

Index:no
website:yes

Note: Issue Order copy on 27.09.2016

To

1. The Registrar, Court of Small Causes, Chennai
2. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building.
EVK Sampath Road, Vepery,
Chennai – 600 007
3. The Joint Commissioner of Police,
North Zone, Pantheon Road,
Egmore, Chennai-600 008

M. DURAISWAMY,J.,

sr

4. The Deputy Commissioner of Police,
Washermenpet,
Chennai
5. The Assistant Commissioner of Police,
Royapuram Range, N-1, Police Station,
Chennai
6. The Inspector of Police,
N-1, Police station,
Royapuram, Chennai
7. The Public Prosecutor, High Court, Madras

CRP(NPD)No.2613/2016
& Crl.O.P.No.19414 of 2016

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