



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (MD).No. 186 of 2017 and
CMP (MD).No.834 of 2017

K.S.J.Kumar : Petitioner/Petitioner/
3rd Party/3rd Party

Vs.

1. Thoothukudi Saiva Vellar Sangam,
through its Secretary,
Mr. Thirichitrambalam

: 1st Respondent/1st Respondent/
Petitioner/Plaintiff

2. Valli

: 2nd Respondent/2nd Respondent/
Respondent/Defendant

Prayer: These Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Tuticorin to number the un-numbered application in unnumbered E.A.No 2017 in E.P.No.62 of 2015 in O.S.No.357 of 2011, on the file of the Subordinate Judge, Tuticorin and dispose of the proceeding with the E.P.No.62 of 2015.

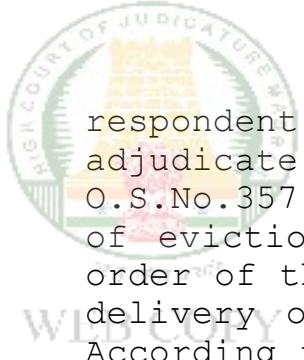
For Petitioner

: Mr. Niranjana S. Kumar

ORDER

This Civil Revision Petition is filed for a direction to the learned Subordinate Judge, Tuticorin to number the un numbered Execution Application filed in E.P.No.62 of 2015 in O.S.No.357 of 2011 on the file of the Sub Court, Tuticorin

2. According to the petitioner, the second respondent is tenant of the first respondent. The second respondent borrowed a sum of Rs.26,00,000/- for her business from the petitioner and subsequently, she could not repay the same. She handed over the property to the petitioner in lieu of payment of amount borrowed by her. The petitioner approached the Secretary of the first respondent for new tenancy offering to pay the enhanced advance services. The first respondent knowing fully well that petitioner is in possession filed Execution Petition against the second respondent to execute the ex parte decree of eviction. The second



respondent filed Insolvency Petition in I.P.No.3 of 2012 to adjudicate her as insolvent. The first respondent filed suit in O.S.No.357 of 2011 for recovery of possession and obtained order of eviction and the petitioner came to know about the ex parte order of the eviction only when Amina came to the premises to take delivery of the property. The petitioner filed claim petition. According to the petitioner the said claim petition is un numbered and orders are being passed in Execution Petition without numbering the application filed by the petitioner. Therefore, he has filed the above Civil Revision Petition for a direction to the learned Judge to number the Execution Application filed by him.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. Considering the fact that the petitioner filed claim petition and according to the petitioner, the same is un numbered in spite of urgency, the learned Judge is directed to number the Execution Application if it is otherwise in order and if the possession is not taken by the first respondent as per the orders in Execution Petition, consider the same on merits and in accordance with law.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge, Tuticorin

+1 cc to Niranjana S.Kumar, Advocate SR.No.4801

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PSM/SV/SAR-1/31.01.2017:2P/3C