



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD) (MD) .Nos. 773 of 2018

and C.M.P. (MD) No. 3429 of 2018

S. Ramanathan ... Petitioner/Obstructor/Nil/Nil/Nil
Vs.

K.B.Rabindranath (died)

1. K.R.Samyuktha

2. K.B.R. Anoopchand

3. Sarayu Basanth

...1 to 3 Respondents/Respondents/
Lrs of deceased
Auction Purchaser.

K.R.Thangamani

... 4th Respondent/4th Respondent/
Respondent /Respondent/Nil

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Order passed by the learned Additional District Munsif, Madurai Town dated 28.03.2018 returning the Unnumbered E.A.No. Of 2018 in E.A.No.782 of 1996 in E.P. No.224 of 1970 in O.S.No.61 of 1965.

For Petitioner : Mr.C. Sundaravadivel

For Respondents : Mr.VR. Shanmuganathan

O R D E R

The petitioner has come forward with this Civil Revision Petition to set aside the order passed by the learned Additional District Munsif, Madurai Town dated 28.03.2018 returning the unnumbered E.A.No. of 2018 in E.A.No.782 of 1996 in E.P. No.224 of 1970 in O.S.No.61 of 1965 and set aside the same.

2. Heard both sides and perused the documents available on record.

3. This Court is inclined to accept the case of the petitioner that the petitioner wanted two months time to vacate and hand over the vacant possession of the property to the Respondents 1



to 3, and therefore, this Court directed the petitioner to file an affidavit to that effect. Accordingly, the petitioner has filed an affidavit today in which he has stated as follows:

"3. I submit that the Respondents 1 to 3 herein had obtained an order of delivery in E.A.No.782 of 1996 in E.P.No.224 of 1970 on the file of the learned Additional District Munsif, Madurai.

4. I submit that I could not find alternative place to carry on my business within a short period of time. Hence, in the interest of Justice it is just and necessary to grant me two months time to vacate and hand over the vacant possession of the property to the Respondents 1 to 3 herein".

5. A copy of the affidavit has also been given to the respondents 1 to 3 and they also agreed to grant time to the petitioner for a period of two months to vacate and hand over the vacant possession of the property to the Respondents 1 to 3. Considering the averments made in the affidavit, this Court is inclined to grant time for two months from today i.e., on 10.04.2018 till 10.06.2018.

6. The petitioner is directed to hand over the possession along with key at 10.30 a.m., on 11.06.2018 to the respondent. The affidavit filed by the petitioner shall form part of this order.

7. Hence, this Civil Revision Petition is disposed of accordingly. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Munsif,
Madurai.
2. The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.VR.Shanmuganathan Advocate in SR.NO.60795

ksa

MV:SV-MMS:SAR2:26/04/2018/2P/3C

CRP(PD) (MD) .Nos. 773 of 2018

and C.M.P. (MD) No. 3429 of 2018

10.04.2018