

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P. (NPD) .No.1272 of 2006

Nisar Ali ... Petitioner / 1st Judgement
Debtor / 1st Defendant

Vs.

1.Mir Abbas Ali ... 1st Respondent /
I Decree Holder / 1st Plaintiff

2.Mir RazaAli ... 2nd Respondent /
II Decree Holder / 2nd Plaintiff

3.Thahera Begum ... 3rd Respondent /
II-Judgment Debtor / 2nd Defendant

4.Mumtaz Begum ... 4th Respondent /
III-Judgment Debtor / III Defendant

5.The Inspector of Police,
D2 Police Station,
Anna Salai, Chennai - 600 002.

6.R.Shanmugam

7. The Commissioner of Police,
Egmore, Chennai - 600 008. Respondents 5 to 7

(No relief is claimed against the respondents 3 & 4, hence, they are given up - Cause title accepted vide order dated 31.03.2006 made in C.M.P.No.4377 of 2006)

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 27.09.2004 made in E.P.No.264 of 2004 in O.S.No.5234 of 2000 on the file of the X Assistant City Civil Court, Chennai.

For Petitioner : Mr.B.Sathish Babu

For Respondents : Mr.V.Lokesh Kumar (R1 & R2)
R3 & R4 - given up
R5 & R7 - No appearance
R6 - not ready in notice

O R D E R

The petitioner, who is the judgment debtor in E.P.No.264 of 2004 in O.S.No.5234 of 2000 on the file of the X Assistant Judge, City Civil Court, Chennai, has filed the above Civil Revision Petition under Article 227 of the Constitution of India for the following reliefs:

"(i) To direct the respondents 1 and 2 to return all the household articles, dresses, utensils, customer articles and jewels forcibly taken and misappropriated by the said respondents;

(ii) To provide alternate accommodation or in the alternative to pay a sum of Rs.5 lakhs as damages; and
(iii) To direct the fourth respondent to take appropriate disciplinary action against the police officers who are responsible for the above said unlawful dispossession of the petitioner from his property and pass such further or other orders in this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. Admittedly, the respondents 1 & 2, who are the plaintiffs in O.S.No.5234 of 2000, took possession from the petitioner and the respondents 3 & 4 in the year 2004 itself. The petitioner and the respondents 3 & 4 are out of possession since 2004.

3. The respondents 1 & 2 have filed the suit in O.S.No.5234 of 2000 for ejectment, which was decreed by the trial Court on 12.06.2003. Pursuant to the decree passed by the trial Court, by order dated 14.09.2004, the Executing Court directed the judgment debtors to hand over possession and the key to the decree holder. Pursuant to the order passed by the Executing Court, the 3rd respondent handed over the key to the decree holder on 27.09.2004 and an endorsement was also made in the bundle on the said date. In view of the endorsement made by the decree holder, the Execution Petition was also dismissed by the Executing Court.

4. When the 3rd respondent had handed over the key and also the possession of the property on her own, I do not find any reason to interfere with the order passed by the Executing Court. In such view of the matter, further, I do not find any error or irregularity in the order passed by the Executing Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

va

To

1. The X Assistant City Civil Court,
Chennai
2. The Inspector of Police,
D2 Police Station,
Anna Salai, Chennai - 600 002.
3. The Commissioner of Police,
Egmore, Chennai - 600 008.
4. The Section Officer,
VR Section,
High Court, Madras.

+1 cc to Mr.S.J.Jagadev, Advocate, S.R.No.22794

C.R.P. (NPD) .No.1272 of 2006

SSD(CO)
SSM(04/04/2019) .

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