

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE M.S. RAMESH

C.R.P(NPD)Nos.261 and 262 of 2016

and

C.M.P.No.1245 of 2016

1.Babu
2.Kala
3.Radha

..Petitioners in both CRPs

-Vs-

T.R.K.Saravanan
Trustee
Estate of Late T.P.Ramasamy Pillai
No.6/7, General Collins Road,
Vepery, Chennai 600 112.

...Respondent in both CRPs

PRAYER in CRP.No.261 of 2016 : Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 26.11.2015 made in E.P.No.3785 of 2015 in O.S.No.1870 of 2013, on the file of the learned IX Assistant Judge City Civil Court, Chennai.

PRAYER in CRP.No.262 of 2016 : Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 08.01.2016 made in E.A.No.133 of 2016 in E.P.No.3785 of 2015 in O.S.No.1870 of 2013 on the file of the learned IX Assistant Judge City Civil Court, Chennai.

For Petitioners in
both CRPs : M/s.Shah and Shah

For Respondent in
both CRPs : Mr.G.Sugumaran

COMMON ORDER

The Civil Revision Petition in CRP.No.261/2016 is against the docket order dated 26.11.2015 made in E.P.No.3785 of 2015 in O.S.No.1870 of 2013, on the file of the learned IX Assistant Judge City Civil Court, Chennai and the CRP.No.262/2016 is against the docket order dated 08.01.2016 made in E.A.No.133 of 2016 in E.P.No.3785 of 2015 in O.S.No.1870 of 2013 on the file of the learned IXth Assistant Judge City Civil Court, Chennai.

2. I do not find any infirmity in the docket order passed by the Court below, ordering for police protection for the purpose of executing the warrant issued to the bailiff. The endorsement made by the bailiff reveals that when he attempted to execute the warrant on 14.12.2015, there was objections from the Judgment debtors and as such he has requested the execution Court to provide police protection.

3. The circumstances under which the bailiff has sought for protection also seems to be a reasonable request. The decree passed in OS.No.1870 of 2013 has become final and as such, the execution Court is also bound to ensure that the decree is properly executed. In view of the same, the order granting police protection does not suffer from infirmity.

4. Accordingly, the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed.

23.01.2019

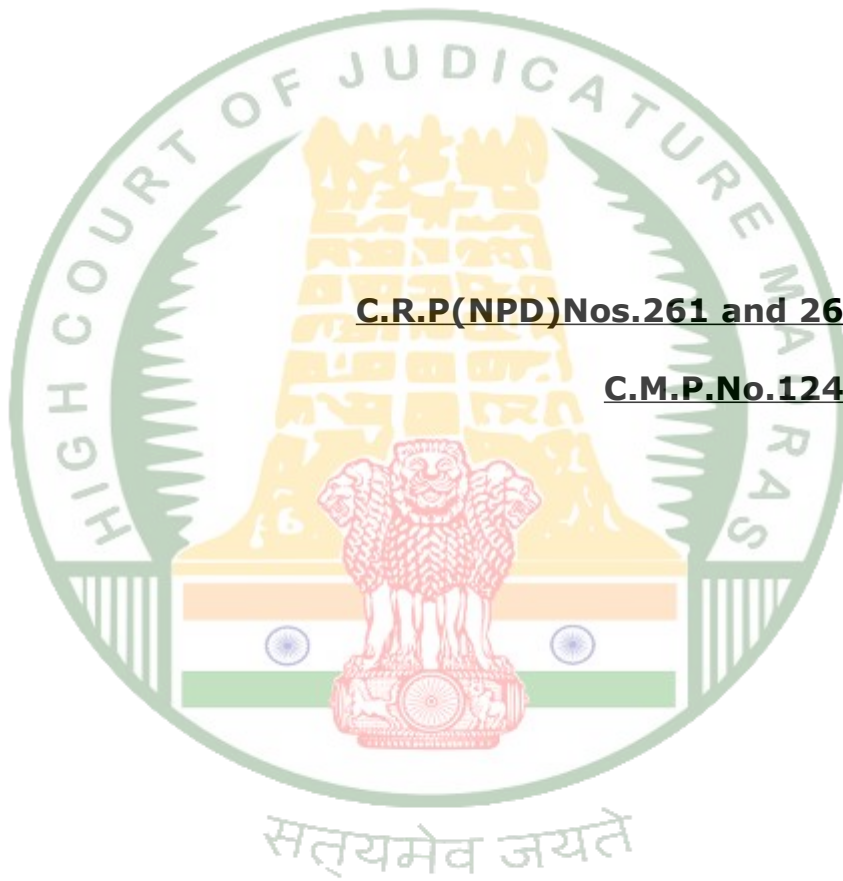
Index : Yes/No
Internet : Yes/No
Speaking Order/Non-speaking Order
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Note: Issue order copy today (28.01.2019)

To

The IX Assistant Judge City Civil Court, Chennai.

M.S.RAMESH,J.



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and
C.M.P.No.1245 of 2016

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