

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.3410 of 2018

and

C.M.P.No19191 of 2018

1. Jayalakshmi Mudaliar
2. Thiruvengadam Mudaliar
3. Parasuraman Mudaliar
4. Rangan Mudaliar
5. Rajendran Mudaliar .. Petitioners
Vs.
Muniratinam Mudaliar .. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order in R.E.A.No.23 of 2017 in R.E.P.No. 13 of 2008 in O.S.No. 249 of 1996 on the file of District Munsiff cum Judicial Magistrate Court, Denkanikottai is per se illegal, inconsequential, illogical and without jurisdiction and in any event deserves to be set aside.

For Petitioners : Mr.V.Raghavachari

For Respondent : Mr.P.Mani

ORDER

Challange is to the order of the executing court dated 27.08.2018 directing the senior bailiff to effect survey in the presence of the petitioner/decree holder and deliver the property. Mr. V. Ragavachari, learned counsel for the petitioner would submit that the warrant for delivery was returned by the senior bailiff stating that the property could not be identified and hence the executing court was not right in again directing suevey and delivery. A warrant for delivery was issued by the Execution Court on 27.08.2018. It is seen from the records that the warrant was issued with the door number alone. However, it was returned on the ground that the property could not be identified. When the said report was placed before the Court, it is seen from the endorsement made by the learned Execution Court that, a complaint was made to the Court that the senior bailiff did not even visit the property. I view of the said complaint the Executing Court directed the Senior Bailiff to make a survey and effect delivery in the presence of petitioner/Decree holder. I do not see any ground for interference. The Senior Baliff has been directed to visit the property in the

presence of the petitioner. No prejudice would be caused to the petitioners by the direction issued by the executing court. Therefore, I do not see any reason to interfere with the direction. It is open to the petitioners herein to demonstrate to the the Senior Baliff that the property, subject matter of the execution petition is unidentifiable. This Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2020

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Internet: Yes/No
Index: Yes/No

To

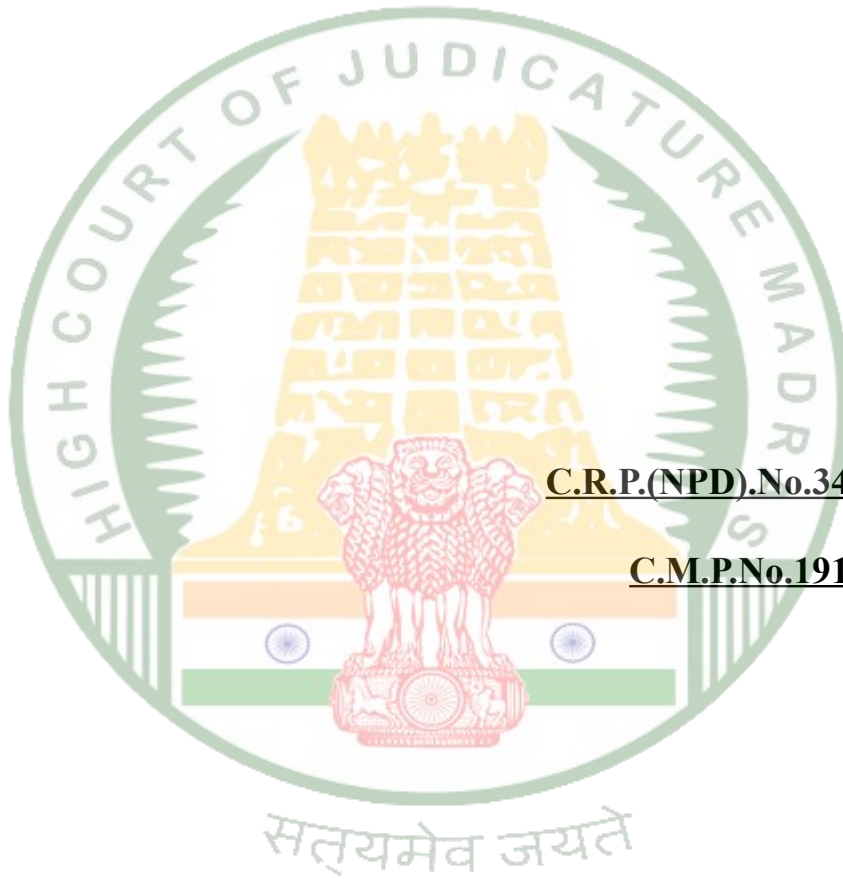
The learned District Munsiff cum Judicial Magistrate Court,
Denkanikottai.

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R.SUBRAMANIAN, J.

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