



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRP (MD) No.303 of 2020

and

CMP (MD) No.1754 of 2020

Jailani

... Petitioner/Judgement

Debtor/Defendant

Vs.

M.Gregory Retnaraj

... Respondent/Decree

Holder/Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in E.P.No.45 of 2018 in O.S.No.131 of 1995 on the file of the Subordinate Judge, Valliyoor and struck down the above execution proceeding in E.P.No.45 of 2018 in O.S.No.131 of 1995 from the file of the Subordinate Judge, Valliyoor by allowing this Civil Revision Petition.

For Petitioner : Mr.Anath C.Rajesh

For Respondent : Mr.K.Karthick
for Mr.A.Chidambaram

ORDER

The respondent herein/plaintiff has filed a suit in O.S.No.131 of 1995 for the relief of specific performance. The suit was dismissed. Aggrieved by which, he filed an appeal and the same was allowed. Subsequently, he got a sale deed registered through the Court and based on the sale deed, he filed the present Execution Petition for delivery in E.P.No.45 of 2018. The said petition was allowed and delivery was ordered. Challenging the said order passed by the Execution Court/Sub Court, Valliyoor, the petitioner, the unsuccessful defendant has filed the present Civil Revision Petition.

2.The learned counsel for the petitioner seeks adjournment. But, this Court is not inclined to grant adjournment, since the suit is pending from 1995 and the records show that the appeal filed by the plaintiff was allowed and he has also got the sale deed registered through the Court and thereafter, he filed the Execution Petition for delivery of possession based on the sale deed document No.3647/2015. Since the Execution Petition is filed only for delivery based on the decree passed by the appellate Court and the



sale deed executed by the Court in favour of the respondent/plaintiff and the Execution Court has also considered all the facts and ordered for delivery, this Court does not find any merit in the case, except the fact that the petitioner is successfully protracting the case for 25 years and still she wants to protract and evade delivery of possession. Under these circumstances, this Court finds no perversity in the order passed by the Execution Court in E.P.No.45 of 2018. There is no merit in the revision and the same is liable to be dismissed and accordingly it is dismissed. No costs. Consequently, CMP(MD)No.1754 of 2020 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mj

To

The Subordinate Judge,
Valliyoor

+1 CC to M/s.A.CHIDAMBARAM, Advocate (SR-10596[F] dated 09/03/2020)

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-10839[F] dated 10/03/2020)

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