



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2021

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.P(MD) No.8608 of 2021

in C.R.P(MD)No.SR52123 of 2021

and

CRP(MD)No.SR52123 of 2021

WEB COPY

Alagesan

...Petitioner/Petitioner

Vs

R.Senthilkumar,
Represented through his
Power of Attorney R.Ramarajan.

...Respondent/Respondent

Prayer in C.M.P(MD)No.8608 of 2021:- This Petition has been filed under Section 151 of the Code of Civil Procedure, to dispense with the production of fair order and decreetal order of delivery dated 08.10.2021 passed in E.P.No.56 of 2018 on the file of the Additional District Munsif Court, Madurai Town, in the above Civil Revision Petition for the present.

Prayer in C.R.P(MD)No.SR52123 of 2021:- This Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to call for the records relating to the Docket Order dated 08.10.2021 passed in E.P.No.56 of 2018 in R.C.O.P. No.54 of 2007 by the Additional District Munsif Court, Madurai Town.

For Petitioner : Mr.D.Malaichamy
For Respondent : Mr.D.Senthil

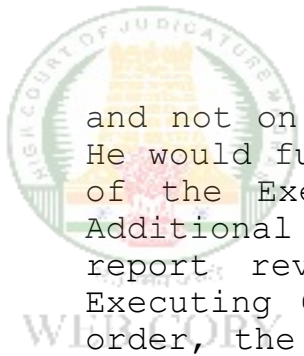
ORDER

The petitioner has filed the Civil Miscellaneous Petition seeking to dispense with the production of fair and decreetal order of delivery, dated 08.10.2021 passed in E.P.No.56 of 2018 on the file of the Additional District Munsif Court, Madurai Town, in the above Civil Revision Petition.

2.In the main Civil Revision Petition, the petitioner has challenged the Order of delivery, dated 08.10.2021 passed in E.P.No.56 of 2018 in R.C.O.P. No.54 of 2007 on the file of the Additional District Munsif Court, Madurai Town.

3.Mr.D.Senthil, learned counsel, takes notice on behalf of the respondent /land-lord.

4.The learned counsel for the respondent would submit that the Executing Court has passed an order of delivery on 08.04.2021



and not on 08.10.2021 as stated by the petitioner in the affidavit. He would further submit that he has produced the daily status report of the Executing Court proceedings, pending on the file of the Additional District Munsif Court, Madurai. The said daily status report reveals that the order of delivery was passed by the Executing Court on 08.04.2021, only. Thereafter, to execute that order, the respondent has filed applications E.A.Nos.198 and 199 of 2021 seeking for police protection and break open and the same were allowed by the Executing Court, on 04.10.2021.

5. On the contrary, the learned counsel for the petitioner would submit that no notice was given to him in the said police protection and break open applications in E.A.Nos.198 and 199 of 2021.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In order to execute the said delivery order, the Executing Court has passed an order in the above said police protection and break open petitions. It is purely an administrative in nature. While passing the delivery order on 08.04.2021, after hearing both sides, the learned Additional District Munsif, has passed the said delivery order. So, the said delivery order was very well known to the petitioner, much earlier in the month of April, 2021 (i.e. on 08.04.2021). But that order was not challenged till date.

8. It is seen from the affidavit filed by the petitioner that the petitioner has given a wrong information stating that the fair and decreetal order of delivery in E.P.No.56 of 2018 was passed on 08.10.2021. But, as per the daily status report submitted by the learned counsel for the respondent that on 08.04.2021 itself the order of delivery of the petitioner's property was ordered by the Executing Court.

9. As discussed above, the delivery order dated 08.04.2021 was not challenged by the petitioner and hence, I do not find any merit in this petition.

10. At this juncture, the learned counsel for the petitioner requires four (4) weeks time to vacate the premises.

11. The said submission given by the learned counsel for the petitioner is placed on record.

12. The learned counsel for the respondent would submit that the petitioner may be permitted to grant three weeks time to vacate the premises.

13. Accordingly, the Civil Miscellaneous Petition stands dismissed. Consequently, C.R.P (MD) No. SR52123 of 2021 is dismissed.



at the SR stage itself. However, the petitioner is directed to vacate the premises within a period of three weeks from today (i.e. on 12.10.2021).

Sd/-

Assistant Registrar (Per.Admn)/
Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM/TSG

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Additional District Munsif Court,
Madurai Town

C.M.P(MD) No.8608 of 2021
in C.R.P(MD)No.SR52123 of 2021
and CRP(MD)No.SR52123 of 2021
12.10.2021

ES (CO)

GC(25.10.2021) 3P 2C