



C.M.P No.16773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.M.P No.16773 of 2022

in

C.R.P No.2515 of 2022

M.Prabhudass

... Petitioner

Vs.

A.R.Raju (died)

1.T.Ramanathan @ Stepen

2.R.Usha

Sathu Easudasan (Died)

3.M/s.Kripasanam Grothuvu Saba

Rep. by Thiru.Sadhu Esudasan (died)

No.683-A, 7th Street, Gandhipuram

Coimbatore-641 012.

4.Selvaraj

5.Ernast Jebakumar

Miss.Nesam (died)

... Respondents

PRAYER: Civil Miscellaneous Petition filed under Section 148 of CPC, praying to enlarge the time granted by this Court to the petitioner to vacate and handover the possession of the premises to the respondents/decreed



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holders till 03.01.2023.

For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.S.Mukunth
For M/s.Sarvabhauman Associates

ORDER

This Petition has been filed, seeking for extension of time to vacate the premises as ordered on 05.08.2022 while disposing the revision petition.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

3. The learned counsel for the petitioner submitted that in the demised premises, there is a Church and it is open to the worship of the devotees. In view of the practical difficulties, he sought for further extension of time.

4. The learned counsel for the respondents submitted that the petitioner is in the habit of filing Section 47 application each time, when new Pastor takes charge of the Church and thus squatted in the property by



playing delay making tactics.

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5. Eventhough the petitioner is not entitled to be in possession of the demised property legally, the facts remains that the Church activities are being run there. Only because of the Church, time has been granted already to vacate the premises and handover possession till 30.09.2022. It is to be noted that the decree has been obtained by the respondents as early as on 30.07.2008 and that is well within the knowledge of the petitioner. Hence, he should have been taken appropriate steps to vacate and handover the premises. But, he had failed to do so. The petitioner cites the reason of Christmas for not vacating and handing over the premises.

6. But, I feel it is appropriate to impress upon the petitioner that he cannot add up reasons each and every time to delay the handing over the possession of the property. Taking into consideration of the upcoming Chritstmas and other events, I feel the extension of time should be given as the last chance till 03.01.2023, as prayed by the petitioner



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7. Accordingly, this Civil Miscellaneous Petition is allowed.

19.10.2022

Index : Yes/No
Speaking Order : Yes / No

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R.N.MANJULA, J.,

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**C.M.P No.16773 of 2022
and
C.R.P No.2515 of 2022**

19.10.2022