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**C.M.P.No. 16914 of 2022
And
Rev.Appl No.2 of 2015**

C.V.KARTHIKEYAN, J.

This Petition has been filed seeking suspension of an order of this Court dated 29.08.2022 in A.No. 2 of 2015 in S.A.No. 545 of 2005 and in C.R.P.No. 1813 of 2017 in C.M.P.No. 8640 of 2017.

2. In the affidavit filed in support of the present petition, it had been stated that the Civil Revision Petition had been filed challenging the delivery order dated 17.03.2017 in E.P.No. 52 of 2005 in O.S.No. 574 of 1996 on the file of District Munsif Court at Tiruppur. It had been stated that by order dated 29.08.2022, the Civil Revision Petition was dismissed and the Review Petition filed against the order in S.A.No. 545 of 2005 was also dismissed. It was stated that this Court had directed the District Munsif, Tiruppur to proceed further with E.P.No.52 of 2005 in O.S.No. 574 of 1996 in accordance with law. It had been stated that Special Leave Petition had been filed in Diary No. 28753 of 2022 dated 12.09.2022 which is under consideration with the Registry of the Hon'ble Supreme Court. It had been stated that however, the District Munsif at Tiruppur, is proceeding further with E.P.No. 52 of 2005.



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3. A memo had been filed before the said Court about the filing of the Special Leave Petition. However, the District Munsif had proceeded further with the execution petition and directed batta to be paid for delivery of possession. It is under these circumstances that this Application had been filed seeking suspension of the order of this Court.

4. Heard Mr.S.Parthaarathy, learned counsel for the petitioner and also Mr.P.Sengottuvel, learned counsel for the respondents.

5. The status report of E.P.No. 52 of 2005 had been forwarded to this Court by Mr.P.Sengottuvel, learned counsel for the respondents and it is seen that on 28.09.2022, the District Munsif, Tiruppur, had directed that delivery has to be handed over and batta to be filed. It is stated that the petitioners herein had made obstruction to execution of the delivery warrant and therefore, application had been filed seeking police aid and to break open. Those applications were allowed.



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6. A perusal of the record show that the respondents/sisters of the petitioner herein, who were the settlees under a settlement deed executed by their father have been at lis with their own brother from the year 1996 to put into effect the settlement deed granted in their favour with respect to the suit schedule property. They have been at lis for the past 26 years. It would not be appropriate if the Court were to frustrate further proceedings at this stage.

7. It is a fact that the petitioners herein had filed Special Leave Petition before the Hon'ble Supreme Court. It is only appropriate that they seek necessary orders from the Hon'ble Supreme Court.

8. The District Munsif is directed to proceed in accordance with law. No procedural irregularity had been pointed out.

9. This Petition stands dismissed.

10.10.2022

Index:Yes/No
Internet :Yes/No
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4

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