



CRP.Nos.3626, 3628 & 3632 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.Nos.3626, 3628 & 3632 of 2022

M.Palanisamy

... Petitioner in all CRPs.

Vs.

M.Karuppusamy (Died)
Kanniyammal (Died)

1.Kannal
2.Lakshmi
3.Arukkani

Rangasamy (Died)

4.Ganesan
5.Mallika
6.Shanthi
7.R.Rani
8.R.Prakash
9.R.Kannan
10.R.Sakunthala
11.R.Thangal
12.R.Thenmozhi

... Respondent in all CRPs.

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Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 25.07.2022 and made in E.A.Nos.641, 642 of 2019 in E.A.No.157 of 2013 in E.P.No.115 of 1999 in O.S.No.615 of 1998 on the file of the II Additional Subordinate Court, Coimbatore.

For Petitioner in

All CRPs. : Mr.N.A.Nissar Ahmed

COMMON ORDER

These Civil Revision Petitions are filed, challenging the order passed by the Court below dismissing the petitions filed by the petitioner/decreed holder seeking Police aid, break open and delivery of possession in pursuance of the decree for specific performance passed in the suit.

2. It appears that Aruputhamani Annakili and 8 others/third parties filed an application under Order 21 Rule 99 of CPC, making



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claim over the suit property and the said application was allowed on 25.07.2022 and as a consequence, these applications filed by the petitioner seeking police aid, break open, and delivery of possession were dismissed by the Court below by the impugned order.

3. It is also stated that, challenging the order allowing the E.A.No.514 of 2019 filed by the third parties, the petitioner has filed an appeal before the first Appellate Court and the same is pending.

4. In view of allowing of E.A.No.514 of 2019, the Executing Court is justified in dismissing the petitions in E.A.Nos.641 & 642 of 2019 seeking police aid, break open and delivery of possession. I do not find any error in the order passed by the Court below. However, it is made clear that, in the case of petitioner succeeds in the appeal, it is always open to him to file an appropriate petition before the Executing Court seeking delivery of the property.



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S.SOUNTHAR, J.

Dna

5. Accordingly, these Civil Revision Petitions are dismissed.

No costs.

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Index : Yes / No

Internet : Yes / No

dna

To

The II Additional Subordinate Judge
Coimbatore.

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