



C.R.P.No.271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition (NPD).No.271 of 2022

Jayalakshmi

... Petitioner

Vs.

Ghen Syed [Died]
Mariam Bibi [Died]

1. Jahir Hussain
2. Sathik Basha
3. Ismail
4. Sharmila
5. G.Shajahan
6. Salavudeen

... Respondents

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order of the Additional Subordinate Court, Chengalpattu, dated 08.10.2021 in unnumbered E.P.SR.No.1363 in O.S.No.222 of 2007.

For Petitioner : Mr.V.Nicholas

For Respondents : No appearance



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ORDER

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Heard the learned counsel appearing for the revision petitioner.

2. There is no representation on behalf of the respondents, even though notice has been served on them.

3. The petitioner is aggrieved by the order passed by the Execution Court dated 08.10.2021 in unnumbered E.P.SR.No.1363 in O.S.222 of 2007, by which, the Execution Court has rejected the Execution Petition on the ground that the Schedule of property mentioned in E.P. does not tally with the property mentioned in the decree in the Original Suit and the Appeal Suit.

4. It is submitted by the learned counsel for the revision petitioner that the schedule of property in the Original Suit and the Appeal Suit and the schedule of property in the Execution Petition are one and the same. According to him, in the Execution Petition, four schedules of properties are shown as schedule 'A', 'B', 'C' and 'D'. However, schedules 'C' and 'D' properties forms part and parcel of the 'A' and 'B' schedules of property. It is further submitted that the possession of 'C' schedule property was already



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delivered to the petitioner on 11.01.2007, but 'D' schedule property is still in the possession of the respondents. Considering the above it appears that schedule 'C' and 'D' properties are part and parcel of the 'A' and 'B' schedule of properties of the Original Suit and the Appeal Suit.

7. In view of the same, the trial Court is directed to number the E.P.SR.No.1363 in O.S.No.222 of 2007 and proceed to dispose of the same by giving opportunity to the parties to the decree. If at all the respondents are having any objections, they are at liberty to raise their objections in respect of the schedule of properties, and on which Court can pass appropriate orders thereafter.

8. With the observation the Civil Revision Petition is disposed of. No order as to costs.

12.04.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To
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1. The Judge, XXII Additional City Civil Court,
Allikulam, Chennai.
2. The Judge, XV Small Causes Court, Chennai.
3. The Section Officer,
V.R.Section, High Court, Madras.



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Dr. JUSTICE D. NAGARJUN, J.,

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