



CRP. No. 3224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3224 of 2023
and CMP No. 19889 of 2023

R.Sathya

...Petitioner

Vs.2

Periyasamy (Died)

1.Angathal

2.Venkatachalam

3.Jayakodi

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 10.03.2023 order passed by the Executing court in E.A No. 6 of 2023 in E.A No. 1 of 2022 in E.P No. 42 of 2017 in O.S No. 280 of 2013 on the file of the Subordinate Judge, Dharapuram and restore possession of the property to the petitioner.

For Petitioner : Mr.Deivasigamani

For Respondents : Mr.M.Guruprasad.



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ORDER

This petition has been filed to set aside the docket order dated 10.03.2023 order passed by the Executing court in E.A No. 6 of 2023 in E.A No. 1 of 2022 in E.P No. 42 of 2017 in O.S No. 280 of 2013 on the file of the Subordinate Judge, Dharapuram and restore possession of the property to the petitioner.

2. Heard the learned counsel for the petitioner and the respondents.

3. The submission of the learned counsel for the petitioner is that the the respondents herein filed E.A No. 6 of 2023 on 07.03.2023 to break open the lock with the aid of the police. The Trial Court without hearing the petitioner's side passed the order as such is not maintainable. Hence, he prays to allow this petition. On the other side, the learned counsel for the respondents submit that the petitioner has already filed the obstruction petition in E.A No. 3 of 2023 and the same was dismissed by the executing Court. Therefore, as on date, obstruction petition filed by the tenant also been dismissed. Hence, the Trial Court rightly ordered the said application which needs no interference. Considering the submission made by the respondent, the order passed by the executing Court needs no interference.



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4. In the result, this Civil Revision Petition is dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

13.12.2023

pbl

To

1. The Subordinate Judge, Dharapuram



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T.V.THAMILSELVI,J.

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