



WEB COPY



C.R.P. Nos. 3092 & 3093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 3092 and 3093 of 2022
and
C.M.P.Nos.16617 and 16616 of 2022

M.S.Eva Laberibe, Director,
Maison des Arts Private Limited,
Represented by her Power of Agent
Saumitra Krunchandra Srivastava
C-01, Pragati Apartments,
No.7, Candappa Street,
Puducherry-605 001.

... Petitioner in both CRPs

Vs

1.S.Radhakrishnan

Ms.Dunand Evelyne Christiane (died)
Represented by her legal representatives
4th and 5th respondents.

2.P.Sagayaraj

3.L.Periyanayagasamy @ Arulraj

4.Mom.Jesseline Cecile Dunad

5.Albert Rene Paul Dunand

... Respondents in both CRPs



C.R.P. Nos. 3092 & 3093 of 2022

PRAYER in CRP.No.3092 of 2022 :Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the order passed by the learned II Additional District Judge, Pondicherry in E.A.No.73 of 2022 in E.A.No.88 of 2021 in E.P.No.383 of 2019 in O.S.No.23 of 2007, dated 26.07.2022.

PRAYER in CRP.No.3093 of 2022 :Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the order passed by the learned II Additional District Judge, Pondicherry in E.A.No.72 of 2022 in E.A.No.88 of 2021 in E.P.No.383 of 2019 in O.S.No.23 of 2007, dated 26.07.2022.

For Petitioner : Mr.E.Thiyaga

For Respondents :

R1 : Mr.P.Suresh Philemon

R2 to R5 : Ex-parte



C.R.P. Nos. 3092 & 3093 of 2022

ORDER

WEB COPY The petitioner is challenging the order passed in E.A.Nos.72 & 73 of 2022 in E.A.No.88 of 2021 in E.P.No.383 of 2019 in O.S.No.23 of 2007 on the file of the II Additional District Court, Puducherry.

2. The revision petitioner herein is an obstructor, who filed E.A.No.88 of 2021. The decree holder has also filed an objection, and now the enquiry has begun on the side of the obstructor one witness was enquired, and summons were issued to 5 witnesses and all the documents were produced under Order XVI Rule 1(3) r/w Sec.151 of CPC. The said application was strongly objected by the decree holder and without allowing to dispose of the matter, he is dragging on all the proceedings and also contend that obstructor also sailing with the tenant and are causing hindrance to the proceedings, and hence he raised the objection.

3. Heard both sides and perused the materials available on record.



4. The executing Court found that no proper reason was assigned and accordingly permission was not granted to the witnesses 1-4 and with regard to the 5th witnesses, permission was granted in favour of the obstructor.

5. Challenging the same in revision, the decree holder submits that inspite of all the directions given by the Court, the obstructor has filed the application to drag on the proceedings and the same was rightly dismissed by the learned trial Judge, which needs no interference.

6. On seeing the fact, the witnesses 1-4, who are the official witnesses, and to whom summons were not served to appear, and chance was given to appear as witnesses, but they delayed the proceedings. Therefore, this Court is inclined to set aside the finding of the learned trial Judge and to direct the obstructor to take summons to 1-4 witnesses, in one day he, shall examine all the witnesses without making any delay.

7. Accordingly, these revision are disposed of. The executing court is directed to examine the witness within a period of three weeks from the date



C.R.P. Nos. 3092 & 3093 of 2022

of receipt of a copy of this order. Additional District Judge-II, Puducherry and III Additional District Judge, who is incharge of II Additional District Judge, is directed to complete the case within a period of two months from the date of receipt of a copy of this order. Consequently connected Miscellaneous petitions are closed.

20.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order

rri

To

1. The Additional District Judge-II,
Puducherry.



WEB COPY



C.R.P. Nos. 3092 & 3093 of 2022

T.V.THAMILSELVI, J.

rrr

C.R.P.Nos. 3092 and 3093 of 2022
and
C.M.P.Nos.16617 and 16616 of 2022

20.03.2023