



C.R.P.(PD)No.2417 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.2417 of 2017
and
CMP.No.11416 of 2017

1.Ramesh Srinivasn
2.J.Jeevakumari @ Saranya

.. Petitioners

vs

Joseph Jebaraj

.. Respondent

Petition filed under Article 227 of the Constitution of India to set aside the order dated 14.06.2017 made in E.P.No.156 of 2016 in O.S.No.78 of 2012 on the file of the III Additional District Judge at Thiruvallur and allow this Civil Revision Petition.

For Petitioners : Mr.P.Anandan
for M/s.Majestic Law Firm

For Respondent : Mr.Sai Shravan Kumar
for Mr.V.Srinivasa Babu



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ORDER

WEB COPY This revision arises against an order of delivery of possession in E.P.No.156 of 2016. A suit for specific performance of an agreement of sale was filed and the suit was also decreed. E.P.No.68 of 2013 was filed for the purpose of execution of the sale deed and the sale deed was also registered on 30.09.2015. The said E.P.No.68 of 2013 was also closed on 01.08.2016.

2.Insofar as the delivery of possession is concerned, E.P. was filed in E.P.No.156 of 2016. The Executing Court had ordered delivery on the ground that the decree had not been stayed.

3.The learned counsel appearing for the petitioner would submit that he had taken out an application to set aside the exparte decree, that was dismissed, against which they have filed a revision and that was also dismissed. In other words, the decree has become final. The Executing Court cannot go behind the decree and deal with the issues which are not concerned with it. The Executing Court has rightly ordered delivery.

4.Mr.Sai Shravan Kumar, learned counsel appearing for the decree holder/respondent states that after the execution petition was filed, delivery has also been taken and the purchaser has also sold the property to third parties.



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5.In light of the above, I find that the order of Executing Court is correct, there is no necessity to interfere with the same, this Civil Revision Petition is dismissed.

6.The learned counsel appearing for the judgment debtor would submit that the amount is still lying in the Court to the credit of E.P. The learned counsel for the respondent has no objection for withdrawal of the same. On filing an appropriate payment out application, the trial Court is requested to pay the amount to the judgment debtor. No costs. Consequently, connected miscellaneous petition is closed.

21.07.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
vs

To

The III Additional District Judge,
Thiruvallur.



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V. LAKSHMINARAYANAN,J.

VS

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