



C.M.P.(MD). No.17354 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

C.M.P.(MD). No.17354 of 2023

in

C.R.P.(MD). No.674 of 2023

T. Sudalaimuthu

...Petitioner / Petitioner

Vs

V. Ramakrishnan

... Respondent/Respondent

Prayer in C.M.P.(MD). No.17354 of 2023:-

This Civil Miscellaneous Petition filed under Section 151 of C.P.C., to extend the time limit for handing over the possession of Ground Floor and First Floor of the suit property for the further period of 3 weeks preferably 2nd week of January 2024 from the order dated 24.11.2023 made in CRP(MD) no.674 of 2023 by this honourable Court and pass such further or other orders as this Honourable Court may deem fit.

Prayer in C.R.P.(MD). No.674 of 2023:-

This Civil Revision Petition filed under Section 151 of C.P.C., to set aside the fair and decreetal order dated 16.02.2023 made in E.P. No. 69 of 2017 made in O.S. No. 112 of 2010, on the file of Subordinate Court, Tiruchendur and set aside the same as illegal by allowing this Civil Revision Petition.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. M.C. Swamy, Advocate for the Petitioner and of Mr.S.Meenakshi Sundaram, Senior Counsel for Mr. R.T. Arivu Kumar, Advocate for the Respondent, this Court made the following order:



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This petition has been filed seeking extension of time for handing over the possession of the Ground Floor and First Floor of the property. Now the keys have been handed over to the respondent herein and Commissioner has to take further process to execute the warrant.

2. Subject to the result of the SLP pending before the Hon'ble Supreme Court, with regard to the location of the staircase, the works can be carried out by the Commissioner. The objection of the petitioner is that after receiving the keys, the respondent is running the business.

3. Learned counsel for the respondent would submit that the respondent is only white washing the property and absolutely there is no prohibition to run any business.

4. If the petitioner has any grievance, he can workout his remedy through appropriate proceedings. Subject to the result of the SLP, warrant may be issued to Mr.R.J.Karthick, learned counsel, who is the Advocate Commissioner in this case.



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5. Accordingly, this petition stands closed.

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sd/-
14/02/2024

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/02/2024

Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

THE SUBORDINATE JUDGE, TIRUCHENDUR.

COPY TO

MR.R.J.KARTHICK,
ADVOCATE COMMISSIONER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP(MD) No.17354 of 2023

IN

CRP(MD) No.674 of 2023

Date :14/02/2024

RK/VR (20/02/2024) 3P / 3C

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