



CRP.No.536 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.536 of 2024
and
CMP.No.2627 of 2024

Bhavani

... Petitioner

Vs.

1.K.Rukmani
2.M.Vasanthi

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 05.01.2024 made in E.A.Sr.No.73750/2023 in E.P.No.6227 of 2022 in OS.No.1421 of 2021 on the file of the IX Assistant City Civil Court.

For Petitioner : Mr.D.Padmanabhan
for Mr.Francis Xavier



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ORDER

This Civil Revision Petition is filed challenging the order passed by the Executing Court rejecting the claim petition filed by the petitioner.

2. The first respondent herein obtained a money decree against the second respondent. Thereafter the Execution Petition has been filed seeking attachment and sale of the property of the second respondent. The petitioner herein filed a claim petition in the Execution proceedings stating that he is lessee under the second respondent. The petitioner has not claimed any independent right or title over the suit property. He is claiming himself as lessee under the second respondent. The Execution Petition is for attachment and sale of the property. Therefore, at this stage, the claim of the petitioner cannot be adjudicated. In case, the property is sold by the Court below through auction purchase and the auction purchaser makes attempts to take delivery of the property, the petitioner is entitled to canvass his leasehold right. However, the claim petition filed by the revision petitioner at this stage



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is not maintainable.

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3. Therefore, order passed by the Executing Court rejecting the claim petition requires no interference from this Court and accordingly, the Civil Revision Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
dna

To

The IX Assistant City Civil Court.



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dna

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