



CRP Nos.630 and 818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP Nos.630 and 818 of 2024

Mohammed Iqbal (deceased)

Mrs.A.A.Fathima Nachiya

... Petitioner
in both CRPs

Vs.

Sri Chennamalleswarar &
Sri Chenna Kesavaperumal Devasthanam,
Represented by its Hereditary Trustee,
Manali Ramakrishnan Mudaliar

...Respondent
in both CRPs

PRAYER in CRP Nos.630 and 818 of 2024: Civil Revision Petitions filed

under Article 227 of the Constitution of India to set aside the orders in EP
Nos.474 and 468 of 2016 in OS Nos.1490 and 1720 of 1994 dated
08.01.2024 on the file of the learned X Assistant Judge, City Civil Court,
Chennai.

For Petitioner

: Mr.G.V.Sridharan



CRP Nos.630 and 818 of 2024

WEB COPY

COMMOM ORDER

The civil revision petitions are filed to set aside the orders in EP Nos.474 and 468 of 2016 in OS Nos.1490 and 1720 of 1994 on the file of the learned X Assistant Judge, City Civil Court, Chennai

2. The petitioner is the judgment debtor and the respondent is the decree holder. The respondent obtained the decree for delivery of vacant possession. Thereafter, the respondent has filed execution petitions in EP Nos.474 and 468 of 2016 before the X Assistant Judge, City Civil Court, Chennai. After hearing the parties, the executing court, by order dated 08.01.2024, ordered for delivery of possession. Challenging the said orders, the petitioner has filed the present civil revision petitions.

3. Learned counsel for the petitioner submitted that the petitioner is the judgment debtor and the respondent is the decree holder, who obtained the decree for delivery of vacant possession. The decree being an exparte



CRP Nos.630 and 818 of 2024

decree, the petitioner has filed an application to set aside ex parte decree and the same is pending. Hence, seeking to allow the Revisions.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of records, it is noticed that the respondent decree holder had filed OS Nos.1490 and 1720 of 1994 before the V Assistant City Civil Court against the judgment debtor for delivery of vacant possession and recovery of arrears of damages. The suit was decreed on 07.12.2000. Thereafter, the respondent had filed the instant execution petitions for delivery of vacant possession. The judgment debtor appeared and contested and thereafter, executing court ordered for delivery of vacant possession. The petitioner, being the sufferer of decree in OS Nos.1490 and 1720 of 1994, he has no ground to resist the EP applications filed by the decree holder. Therefore, no merit in the Revisions. There is no ground to interfere with the impugned orders passed by the executing court. Hence, the civil



CRP Nos.630 and 818 of 2024

Revision petition are dismissed. There shall be no order as to costs.

Consequently, CMP Nos.3116 and 4039 of 2024 are closed.

28.02.2024

Index: Yes/No
Internet: Yes/No
mrn

To
The X Assistant Judge, City Civil Court, Chennai.

V.SIVAGNANAM, J.,

mrn



WEB COPY



CRP Nos.630 and 818 of 2024

CRP Nos.630 and 818 of 2024

28.02.2024

5 of 5