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C.R.P. No.2313 of 2024 and C.M.P. No.12171 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.2313 of 2024 and C.M.P. No.12171 of 2024

1.M.K.Mohamed Yoosuf(died),
S/o Mohamed Kassim,
S.A.R. Steels, New No.6, Old No.111,
Chennai-600 001.

2.Syed Ahamed Ammal,
No.38, Thambu Chetty Street,
GPO, Chennai-600 001.

... Petitioners

Vs.

Shaik Noorudeen

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the judgment and decreetal order dated 08.02.2024 passed by the learned VIII Small Causes Court, Chennai, in R.C.A.No.123 of 2022 confirming the fair and decreetal order dated 06.08.2022 against R.C.O.P.No.1294 of 2017 by the XVI Court of Small Causes, Chennai.

For petitioner : Mr.D.Gopal Pandi

For Respondents : Mrs.Revathi Radhakrishnan



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ORDER

This civil revision petition has been filed against the judgment and decree dated 08.02.2024 passed by the learned VIII Judge, Small Causes Court, (FAC) Chennai, in R.C.A.No.123 of 2022 confirming the order of eviction made in R.C.O.P.No.1294 of 2017 dated 06.08.2022 by the XVI Court of Small Causes, Chennai.

2.When the above civil revision petition is taken up at 1.15p.m., there was no representation for the petitioners and the matter has been passed over and it has been taken up again at 4.15p.m. At that time, the learned counsel for the petitioners submitted that the possession has been taken by the respondent and the petitioner had informed that his articles are inside the premises. However, the petitioner's son has not turned up to take the articles.

3.The E-Courts status of the XVI Judge, Court of Small Causes, Chennai, the order in Case No.EP/0000390/2024 in Shaik Noorudeen Vs, M.K.Mohamed Yoosuf(died) dated 03.09.2024 reads as follows:-



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“Decree Holder counsel present and stated that possession taken. Warrant executed as per the Bailiff report. Hence EP terminated on full satisfaction. List of articles found along with bailiff report. Send notice to judgment debtor to take return of articles. Sale proceedings can be initiated if return not taken. EP terminated on full satisfaction. No costs.”

4.A reading of the above order discloses that the Execution Court, while terminating the execution proceedings, had ordered notice to the judgment debtor to take the articles and if the articles have not been taken, directed to initiate sale proceedings.

5. In view of the above, nothing survives for adjudication in this civil revision petition and accordingly, the civil revision petition stands closed. No costs. Consequently, connected C.M.P. is also closed.

06.09.2024

Index: Yes/No
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To



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1. XVI Judge, Court of Small Causes, Chennai.
2. VIII Judge, Court of Small Causes Chennai.

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A.D.JAGADISH CHANDIRA, J.

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C.M.P. No.12171 of 2024**

06.09.2024