



WEB COPY



C.R.P.(PD)No.1439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1439 of 2024

and

C.M.P.No.7701 of 2024

J.Jayakumaran

.. Petitioner

Vs.

1.J.U.Ramalingam

T.K.Japal (died)

2.J.Jayaselman

.. Respondents

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order in E.A.SR.No.1011 of 2024 in E.P.No.63 of 2008 in O.S.No.320 of 2006 on the file of the Sub Court at Mettur, dated 12.02.2024.

For Petitioner : Mr.A.Sundara Vadhanan

ORDER

This Revision has been filed preferred against a docket order in E.A.SR.No.1011 of 2024 in E.P.No.63 of 2008 in O.S.No.320 of 2006 on the file of the learned Subordinate Judge at Mettur.

2. The petitioner before me is the 2nd judgment debtor in O.S.No.320



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of 2006. In the said proceedings, the delivery of possession had been ordered against the defendants. In the said proceedings, the Civil Revision Petitioner did not contest the same resulting in the Court passing an order of delivery. Prior to the Execution Petition, two petitions had already been filed and it had been closed.

3. The proceedings had been initiated as early as in the year 1999 and the matter is pending for completion of delivery of possession for over 22 years. After delivery had been passed, the petitioner moved an application under Order XXI Rule 106 of the Code of Civil Procedure read with Section 151 of Code of Civil Procedure. As there were no further hearings to be conducted in the Execution Petition, the learned Judge returned the application as not maintainable. This order is put in challenge before me.

4. A perusal of the aforesaid facts would go to show that the decree holder has been knocking on the doors of the Court for over 24 years and all the tactics available in the book to delay the proceedings had been adopted by the petitioner. Finally, the present stand is one under Order XXI Rule 106 of the Code of Civil Procedure. There is no further hearing to be done



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in the Execution Petition other than recording the report of the Ameen. In such circumstances, there is nothing to be done for the learned Judge to conduct “the hearing”.

5. Consequently, an endorsement made by the learned Judge, that since delivery has been ordered, the petition is not maintainable, is upheld. Accordingly, this Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

10.04.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The Sub Court,
Mettur

C.R.P.(PD)No.1439 of 2024
and
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