



WEB COPY



C.M.P.No.16220 of 2024
and C.R.P.SR. No.98696 of 2024

C.M.P.No.16220 of 2024
and C.R.P.SR. No.98696 of 2024

M.NIRMAL KUMAR, J.

This miscellaneous petition has been filed to dispense with the production of the certified copy of the order dated 26.07.2024 passed in E.P.No.2943 of 2008 in Tr.O.S.No.3431 of 1978 on the file of the IX Assistant Judge, City Civil Court, Chennai.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the records.

3. The learned counsel for the petitioner is directed to take private notice to the respondents.

4. The petitioner is the defendant in Tr.O.S.No.3431 of 1978, who had suffered a Judgment and decree dated 29.04.1981. Against which an appeal has been preferred in A.S.No.282 of 1982 on the file of the V Additional Judge, City Civil Court, Chennai, which was also dismissed by a Judgment dated 29.10.1999. Challenging the Judgment of the 1st appellate Court, S.A.no.509 of 2000 has been filed and the same also got dismissed by this Court on 05.09.2008. Thereafter, the petitioner had preferred an appeal before the Hon'ble Supreme Court of India in Civil Appeal no.(S).4949 of 2009. In the meanwhile, the respondent had taken up execution petition in E.P.No.2943 of 2008.

5. Today, the case stands posted before the Execution Court to conclude the proceedings in execution petition, in view of the directions issued by this Court in C.R.P.No.4847 of 2023 dated 25.06.2024.



C.M.P.No.16220 of 2024
and C.R.P.SR. No.98696 of 2024

WEB COPY

6. The contention of the learned Senior Counsel appearing on behalf of the petitioner – temple is that the plaintiffs are claiming through Ex.A5 – sale deed document No.2118/150.

7. The further contention of the learned Senior Counsel is that as per Ex.A6, which is the proceedings of the Directorate of Survey and Settlement, by an order dated 20.07.1972 had held that the paimash No.966 is located within S.No.172/2 and hence held that joint patta for the suit property to be in the name of the petitioner as well as the respondents. However, the Execution Court warrant denotes 51 cents, unless a Commissioner is appointed and metes and bounds of the property is fixed, the execution will not be proper.

8. In view of the earlier directions passed by this Court in C.R.P.No.4847 of 2023, the Execution Court pressurizing the proceedings to complete immediately, that too without taking note of the objections raised by the petitioner-temple.

9. The learned counsel representing HR & CE Department seeks time to make his submissions.

10. Now, the case stands posted to dispense with the production of the certified copy of the impugned order.

11. Dispensed with for the present.

30.07.2024

Jer



WEB COPY



C.M.P.No.16220 of 2024
and C.R.P.SR. No.98696 of 2024

M.NIRMAL KUMAR, J.,

Jer

C.M.P.No.16220 of 2024
and C.R.P.SR. No.98696 of 2024

30.07.2024