



C.R.P.No.4309 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.4309 of 2024

P.Dhanalakshmi

... Petitioner

Vs

1. Y.Anthony

2. K.Jagadesan

3. Chandrasekar

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the order dated 11.09.2024 passed in E.A.SR.No.49704 of 2024 in E.P.No.192 of 2009 by the learned 10th Assistant Judge, City Civil Court, Chennai in refusing the third party application to issue the certified copies of proceedings and documents in the execution petition and consequently, direct the learned Judge to issue the certified copies of proceedings and documents in accordance with law.

For Petitioner : Mr.P.Palaniandy



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ORDER

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This Civil Revision Petition has been filed against the order passed by the learned Xth Assistant Judge, City Civil Court, Chennai, in E.A.SR.No.49704 of 2024 in E.P.No.192 of 2009 on 11.09.2024 and further, seeking for a direction to the Xth Assistant City Civil Court, Chennai, to issue the certified copies of proceedings and documents in the execution petition.

2. Since the present petition is challenging the order refusing the petition seeking for the certified copies of proceedings and documents in E.P.No.192 of 2009, this Court is of the opinion that no notice is required to be sent to the respondents.

3. The case of the petitioner is as follows :-

3.1. The petitioner is the owner of the property comprised in Survey No.18/3A1, Plot No.65, 200 ft Inner Ring Road, Kolathur Village, Sivananda Nagar measuring about 229 Sq.ft.

3.2. Originally, the petitioner's father Perumal had purchased the said



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property from one A.Chandrasekaran/3rd respondent herein vide Sale deed bearing No.6607/2002 registered at SRO, Sembium, on 26.09.2002. The 229 Sq.ft is the remaining area after land acquisition for widening of the road out of 2400 sq.ft, which was initially owned by one Thangaraj.

3.3. The petitioner and her family members had been in possession of the said property from the date of purchase i.e., from 2002 and later in the year 2018, the petitioner's father had settled the property in the name of the petitioner vide Settlement Deed No.1565 of 2018 dated 03.05.2018.

3.4. While so, based on the collusive suit between the first respondent/plaintiff and respondents 2 and 3/defendants in O.S.No.3671 of 2003, the first respondent had filed an execution petition in E.P.No.192 of 2009 and the petitioner has been evicted from the property without notice. Out of 229 Sq.ft belonging to the petitioner, 200 sq.ft had been snatched from her and thereby, the petitioner is an affected person, who is also a necessary party to the proceedings.

3.5. The petitioner had applied for the certified copies of proceedings and documents in E.P.No.192 of 2009, whereas, the learned Judge, holding that the petitioner had made several allegations against the Bailiff without any valid proof, has refused to grant the certified copies as prayed for by the petitioner.



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Challenging the same the present Civil Revision Petition has been filed.

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4. Learned counsel for the petitioner submitted that the Court below has failed to note that the property of the petitioner was illegally seized and all the documents in the execution petition are related to the petitioner. He further submitted that despite the petitioner showing all the documents related to the suit property at the time of arguments, the Court below has not taken into consideration the same and has dismissed the petition. He also submitted that if the certified copies of the proceedings and the documents in the execution petition are not granted to the petitioner, the petitioner will not be able to enforce her right and recover the property, which was illegally taken from her. Hence he prayed to set aside the order dated 11.09.2024 passed in E.A.SR.No.49704 of 2024.

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

6. Based on the documents filed along with the petition, this Court is able to see that the petitioner was in possession of the property bearing Survey



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No.18/3A1, Plot No.65, 200 ft. Inner Ring Road, Kolathur Village, Sivananda

Nagar measuring about 229 Sq.ft. and thereby, the petitioner is the interested and necessary party to the proceedings. The learned Judge, holding that the petitioner has made several allegations against the Bailiff without any valid proof, has refused the application, however, without going into the merits of the allegations made, this Court is of the opinion that the petitioner is entitled for the certified copies of the proceedings and documents.

7. In view of the above, this Civil Revision Petition stands allowed and the order passed by the X Assistant City Civil Court, Chennai, in E.A.SR.No.49704 of 2024 in E.P.No.192 of 2009 on 11.09.2024 is hereby set aside and the learned X Assistant Judge is directed to issue the certified copies of the proceedings and documents E.P.No.192 of 2009 as sought for by the petitioner in accordance with law. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

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To : The X Assistant City Civil Court, Chennai.

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A.D.JAGADISH CHANDIRA, J.

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