



WEB COPY



C.M.P.No.27345 of 2024

CMP.No.27345 of 2024
in
CRP.SR.No.159233 of 2024

N.SATHISH KUMAR, J.

This application has been filed to grant leave to the petitioner herein who was the third party in the Execution Petition.

2. The decree passed in O.S.No.4772 of 2021 was put into execution in E.P.No.861 of 2024, wherein, delivery of vacant possession of immovable properties were sought to be executed.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. The suit has been originally filed for partition of the suit and the suit was decreed allotting 2/5th share in the suit schedule property. In the suit, the present petitioner was made as the 11th defendant, wherein, it is clearly admitted by the plaintiff that the 11th defendant is in occupation of



C.M.P.No.27345 of 2024

residential portion and continuing to pay monthly rent of Rs.8000 per month and had paid advance of Rs.1 lakh. The status of the petitioner as a tenant has been clearly admitted by the plaintiff in the suit and now, it appears that EP has been filed without making the petitioner as a party to take delivery under the Order XXI Rule 35 of CPC.

3. Finding reason in the submission of the learned counsel for the petitioner and considering the facts and circumstances of this case, this Court is inclined to grant leave. Accordingly, this petition is ordered.

4.The Registry is directed to number the petition and post for admission, if it is otherwise in order.

29.11.2024

dhk



WEB COPY



C.M.P.No.27345 of 2024

N.SATHISH KUMAR, J.

dhk

CMP.No.27345 of 2024
in
CRP.SR.No.159233 of 2024

29.11.2024