



C.R.P.[NPD].No.5044 of 2024
and C.M.P.No.28278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD]No.5044 of 2024
and C.M.P.No.28278 of 2024

M.Radheshyamlal

.. Petitioner

Vs.

1.V.Sandhya

2.V.Anand Kumar

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the judgment and decree dated 25.10.2024 in E.P.No.3412 of 2014 in O.S.No.12092 of 2010, passed by the X Assistant, City Civil Court, Chennai.

For Petitioner : Mr.Praveennath Selvam

For Respondents : Mr.A.chidambaram

ORDER

This Civil Revision Petition has been filed seeking to set aside the the judgment and decree dated 25.10.2024 in E.P.No.3412 of 2014 in O.S.No.12092 of 2010, passed by the X Assistant, City Civil Court, Chennai



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2.The suit in O.S.No.12092 of 2010 was filed for recovery of possession from the revision petitioner. The suit has been decreed in favour of the respondents. Against which an appeal in A.S.No.566 of 2011 was filed and the same came to be dismissed. Ultimately, the Special Leave Petition is S.L.P.Nos.19059-19061 of 2014 was preferred by the petitioner which was also dismissed by the Hon'ble Supreme Court on 18.03.2024. Thereafter, the execution petition has been filed for delivery of property. Challenging the order of delivery, the present Civil Revision Petition has been filed.

3.Heard the learned counsel appearing for the petitioner as well as the respondents and perused the materials available on record.

4.The order of the Hon'ble Apex Court while dismissing the Special Leave Petition is as follows:-

“Accordingly, we dismiss the appeals with no orders as to costs. Notwithstanding the dismissal of the



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appeals and confirmation of the decree for possession against the plaintiff, we direct that the decree of possession shall not be executed till 31st March 2025, subject to the condition of the appellant and all adult members of his family filing unconditional undertakings on oath to vacate and handover the peaceful possession of the suit property to the defendant nos.4 and 5 (plaintiffs in Original suit no 10292/2010). The undertakings on oath shall be filed within one month from today. The advocate for the appellant shall provide copies of the undertakings to the advocate for the respondents. On the failure of the appellant and his adult family members to file undertakings as above within the stipulated time, the decree for possession shall forthwith become executable.”

5.Despite the direction of the Hon'ble Supreme Court to file an undertaking within a particular time, the same has not been filed. Now the contention of the learned counsel for the petitioner is that the petitioner is in possession of the property for long time and therefore, he cannot be evicted. As the matter has reached finality, the petitioner has to deliver the vacant possession. As he has not vacates the premises till date, the order of



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the Executing Court ordering of delivery does not requires interference.

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6.Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The X Assistant, City Civil Court,
Chennai.



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N.SATHISH KUMAR, J.

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