



C.R.P.(MD)No.3358 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3358 of 2023
and C.M.P.(MD).No.17378 of 2023

A.S.Camy

... Petitioner/Petitioner/Plaintiff

Vs.

1.A.RAjathi Salomon

2.Selvin Samraj

3.A.Salomon Raja

4.A.Thavithraja

... Respondents/Respondents/

Defendants.

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to record the delivery warrant in E.P.No.21 of 2020 in O.S.No.253 of 2008 by the District Munsif, Madurai Taluk.

For Petitioner : Mr.S.Mahesh Babu

For Respondents : No Appearance

ORDER

This civil revision petition has been filed to direct the Execution Court to record the delivery warrant in E.P.No.21 of 2020 in O.S.No.253 of 2008 by the District Munsif, Madurai Taluk.

1/5



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2.The grievance expressed by the petitioner is against the prolonged proceedings before the execution Court. The learned counsel for the petitioner submitted that even though the execution proceedings was filed in the year 2020, warrant was also issued and delivery was also effected, it was not recorded by the execution Court.

3.Hence, report was called for from the concerned Court. Report received, which reads as under.

“I further submit that this Court delivery order passed on 28.03.2023. The amin was not execute the delivery warrant for want of police help. Hence, amin returned the warrant. The petitioner side police help petition was filed and allowed and the same case is posted to delivery batta by 09.08.2023. The delivery warrant was returned as property delivered on 09.08.2023. On that day respondent side Sec. 27 petition was filed checked and numbered as E.A.No.1 of 2023. Hence, this Court not able to record the order of delivery. On that day in E.A.No.1 of 2023 respondent side counter filed on 05.09.2023 enquiry also heard on 08.09.2023. Meantime, respondent side filed Or 7 R 14 petition



checked and numbered as E.A.No.2 of 2023 allowed on merits on 02.11.2023 and posted to Examine the witness. On 30.11.2023 as PW1 examined, Ex.P1 to P9 are marked .Now this case is posted for cross of PW1 by respondent side in E.A.No.1 of 2023 in E.P.No.21 of 2020 in O.S.No.253 of 2008 on 09.02.2024.”

4. Reading of the above said report shows that E.A.No.1 of 2023 is pending. Even though it is stated by the trial Court that Section 47 application, according to the learned counsel for the petitioner, it is only obstruction petition, that too over a portion of the property. According to him, commissioner already inspected the property and filed his report also.

5. Whatever may be, since E.A is pending before the concerned Court, there shall be a direction to the learned District Munsif, Madurai Taluk, to dispose of the above said E.A.No.1 of 2023 within a period of three months from the date of receipt of a copy of this order.



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6. With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1. The District Munsif, Madurai Taluk.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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