



CRP No.1652 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 07.08.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRP. No.1652 of 2025

and

CMPNo.9568 of 2025

M.M.Babu

... Petitioner

Vs.

1. M/s. Young Men Christian Association,
rep. By their General Secretary,
P.Asir Pandian, YMCA Building,
No.223, NSC Bose Road,
Chennai 600 001.

2. S.B.Chandrakumar

3. C.Rahul Gupta

... Respondents

Prayer : Civil Revision petition has been filed under Section 115 of CPC to set aside the order passed by the XIV Small Causes Court, Chennai in E.A.No.2 of 2024 in E.P.No.275 of 2021 in RCOP No.1299 of 2018 dated 04.03.2025 .



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For Petitioner : Mr. S. Sankaralingam

For respondents : Mr. V.R.Thangavelu,
for R1

ORDER

Challenge has been made to the order of dismissal of the application filed by revision petitioner / obstructor under Section 151 of Code of Civil Procedure seeking to recall the delivery order passed by the Execution Court on 26.04.2021 in the above E.P and to implead himself in the said Execution Petition.

2. The learned counsel appearing for the first respondent submitted that as delivery has been resisted, the first respondent/decreed holder has already filed a petition under Order 21 Rule 97 of Code of Civil Procedure in M.P.No.4 of 2025 in E.P.No.275 of 2021 against the revision petitioner/obstructor to hand over vacant possession. It is further stated that the said petition is now heard and posted for orders on 13.08.2025.

3. When the petitioner is attempting to establish an independent right



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over the property, the proper remedy is under Order 21 Rule 97 of Code of Civil Procedure. If the petitioner wishes to establish such a right, he can do so in the pending application filed under Order 21 rule 97 Code of Civil Procedure. Therefore, the impugned order passed by the Execution Court does not require interference.

4. Accordingly , the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2025

mrp

To

The XIV Small Causes Court, Chennai.



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N. SATHISH KUMAR, J.

mrp

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