



WEB COPY

CMP No. 8439 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CMP No. 8439 of 2025

IN

CRP SR NO. 51440 OF 2025

M/s.Selvaradjalou Chetty Trust,
Represented by its Chairman,
G.Rajagopalan, 21/10, Armenian Street,
Chennai-600001

Appellant(s)

*[G.Rajagopalan has been substituted in the place of
S.Kalyanam representing the petitioner Trust by
order of this Court in C.M.P.No.10953 of 2025
in C.R.P.SR.No.51440 of 2025, dated 18.06.2025]*

Vs

SARVOTHAMAN
S/o.Somasundaram, 80, 6th Main Road,
Mahaveer Nagar, Karuvadikuppam,
Puducherry-605 008. Jayalakshmi
Ammal (died) Anusuya Ammal (died)
(As per order dated 02.12.1969 vide
memo filed by D3 in I.A.No.403 of
1969) and 2 others

Respondent(s)



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For Appellant(s): Mr.T.R.Rajagopalan,
Senior Counsel
for Mr.Rajesh Bhagavath L

For Respondent: Mrs.Hema Sampath
Senior Counsel
for Mr.A.D.Balasubramaniam
for R1

ORDER

This petition has been filed by the petitioner Trust seeking leave to file a Civil Revision Petition as against the order of delivery passed in E.P.No.300 of 2017, dated 12.03.2025, wherein, the petitioner Trust was not a party to the proceedings.

2.The Execution Petition has been filed for delivery of possession. It is to be noted that the Hon'ble Supreme Court, while dismissing the Special Leave Petition in SLP (Civil) Diary No.53853 of 2024 filed against C.R.P.(PD) No.2766 of 2024, by order dated 15.01.2025, permitted the petitioner Trust to file its objections to the Execution Petition in E.P.No.300 of 2021. It is relevant to extract Para Nos.5 and 6 of the order as follows :



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“5.In view of the aforesaid, we permit the petitioner to file objections to the Execution Petition No.300 of 2021.

6.In the event, any objections are filed within a period of two weeks from today, the same shall be considered by the Executing Court on its own merits independent of the order dated 04.06.2024 passed by the Principal District Judge at Pondicherry and the impugned order dated 09.08.2024 passed by the High Court.”

3.Pursuant to such permission granted to filed objection, the objection has been filed by the petitioner in E.A.No.17 of 2025 challenging the very Execution petition in E.P.No.300 of 2021 on the ground of limitation and further that there is no decree in favour of the respondent to execute the same. However, the Executing Court has dismissed the application and has also passed an order of delivery in the said Execution petition. Now, to challenge the order passed in E.P.No.300 of 2021, dated 12.03.2025, leave is sought.

4.Considering the fact that some legal issues are involved in this matter and the main contention of the revision petitioner that there is no decree to



execute, and that the Execution Petition has been filed to grab the property particularly when there is no decree, and also considering the submissions, this

Court is of the view that leave is to be granted to hear the matter in detail.

Learned Senior Counsel appearing for the 1st respondent also has no serious objections.

5. Accordingly, leave is granted and this petition is ordered. Registry is directed to number the above Civil Revision Petition in C.R.P.SR.No.51440 of 2025, if the papers are otherwise in order, and list the same before this Court on 23.06.2025, along with C.R.P.No.1429 of 2025.

18-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
1. The Principal District Judge,
Puducherry.

2. SARVOTHAMAN

S/o. Somasundaram, 80, 6th Main Road,
Mahaveer Nagar, Karuvadikuppam,
Puducherry-605 008. Jayalakshmi
Ammal (died) Anusuya Ammal (died)
(As per order dated 02.12.1969 vide
memo filed by D3 in I.A.No.403 of
1969)

3. R. Krishnamurthy, Sri Balaji, New
No.15, Old No.9, Masilamani Nagar,
Balaji Nagar, Chennai-600014.
Sivagami Ammal (died) Anusuya
Ammal (Transposed as Plaintiff) (died)
Somasundaram Chettiar(died)

4. T.T. Srinivasan
Address Not known



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CMP No. 8439 of 2025



N.SATHISH KUMAR J.

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IN CRP SR NO. 51440
OF 2025**

18-06-2025