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CRP.No.3141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.3141 of 2025 &

CMP.No.17508 of 2025

Sundaramurthy

... Petitioner

Versus

1. G.Venkatesa Perumal
2. D.Padmalatha

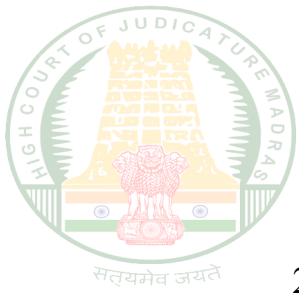
.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to call for the records, struck off the proceedings of the Execution Petition No.699 of 2022 in RCOP.No.808 of 2015 dated 24.03.2016 pending before the learned XVI Small Causes Court at Chennai and setaside the same and allow this Civil Revision Petition.

For Petitioner : Mr.S.Ezhilraj

ORDER

This Civil Revision Petition has been filed challenging the Order of dismissal of the application filed by the revision petitioner to strike off the Execution Petition.

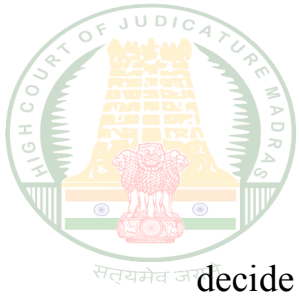


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2. The Rent Control Proceedings has been filed for eviction of the revision petitioner, wherein eviction has been Ordered. When the Execution Petition has been filed, the same has been sought to be struck off on ground that the earlier Execution Petition filed in E.P.No.175 of 2020 has been dismissed for default on 11.11.2020. Thereafter, the present Execution Petition has been filed. Therefore, according to him, the same is not maintainable. That apart, the revision petitioner had resigned from the Social Welfare Association in the year 2022. Hence, he is no way connected with Association which is running in the premises. Therefore, he seeks to strike off the Execution Petition.

3. At the outset, this Court is of the view that, the revision petition itself is an abuse of process of law. Merely because, the earlier Execution Petition has been dismissed for default, it cannot be said that subsequent Execution Petition is totally barred, that too, when the same has been filed within the period of limitation. Admittedly, eviction has been Ordered only against the revision petitioner. Therefore, merely on the ground that he is said to have been resigned from the association, that cannot be a ground to strike off the Execution Petition. The Execution Court will



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decide whether the judgment debtor is in possession in an individual capacity or in the capacity of the association. All these facts have to be decided by the Execution Court. Now as a matter of right, the Execution Petition cannot be struk off. Hence, I do not find any merits in this revision petition.

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

23.07.2025

Index : Yes/No
Internet : Yes/No

vrc

To,

The XVI Judge,
Court of Small Causes, Chennai.



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N.SATHISH KUMAR, J.

VRC

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