



CRP(NPD) No.2594 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 14.07.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (NPD) No.2594 of 2025 and CMP No.14728 of 2025

T.Parthasarathy

... Petitioner

..Vs.

1.A/m.Parthasarathy Swamy Thirukovil
Rep. by its Assistant Commissioner/
Executive Officer
Triplicane, Chennai-600 005.

2.The Commissioner
Chennai Corporation
Ribbon Buildings
Chennai-600 003.

... Respondents

Prayer: This Civil Revision Petition is filed under Article 115 of Constitution of India, to set aside the order dated 07.04.2025 in E.P No.1462 of 2024 passed by the X Assistant Judge, City Civil Court, Chennai, for delivery of possession.

For Petitioner	: Mr.S.Murugan
For R1	: Mr.N.R.R.Arun Natarajan Special Government Pleader
For R2	: Mr.E.C.Ramesh Standing Counsel

ORDER

Challenge has been made to the order of delivery of



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possession passed by the Executing Court in E.P No.1462 of 2024, in the present Civil Revision Petition.

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2. The 1st respondent temple filed a suit in O.S No.7900 of 1998 before the II Assistant City Civil Court, Chennai, for delivery of vacant possession, damages, permanent injunction and for mandatory injunction. The said suit has been filed not only for eviction, but also for injunction not to carry out any repairs. The said suit has been decreed on 11.09.2006. As against which, a first appeal has been filed in A.S.No.573 of 2007 before the II Additional City Civil Court, Chennai and the said first appeal was dismissed. The second appeal filed in S.A No.767 of 2008 as against the finding of the first appellate Court was also dismissed by this Court by a judgment and decree dated 17.03.2023. While dismissing the second appeal, in fact one year time was sought by the learned counsel for the present revision petitioner. However, this Court has granted six months time to quit and hand over peaceful possession of the property. It is to be noted that the said order was passed on 17.03.2023. Even now, the property has not been vacated. Therefore, the Executing Court has ordered delivery of property. Challenging the same, the present revision has been filed.



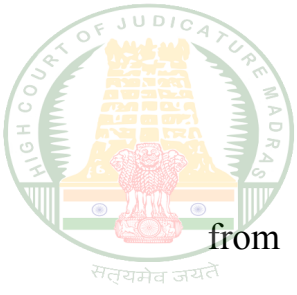
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3. On perusal of the entire order, this Court do not find any merits in the revision, when the revision petitioner himself sought time to vacate the premises within a year and six months time was already granted in the year 2023, in all fairness to vacate the premises. Therefore, the order of the Executing Court passing delivery of possession does not require any interference.

4. The learned counsel for the revision petitioner submitted that he has paid the entire arrears of rent so far, and also prepared to pay the fair rent.

5. The learned counsel for the 1st respondent would submit that no rent has been paid and only damages for use and occupation has been paid. In any event, such contention is not germane for consideration for the present execution petition.

6. It is for the revision petitioner to approach the concerned authorities after vacating the premises for fixation of fair rent and he prepared to pay the fair rent fixed by the 1st respondent as per the G.O



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from time to time. If the respondents are agreeable for that, the petitioner may approach the authorities.

7. With the above observation, this Civil Revision Petition is dismissed. The petitioner is once again directed to hand over vacant possession to the 1st respondent/decreed-holder on or before 30.08.2025. Consequently, connected miscellaneous petition is closed.

14.07.2025

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

The X Assistant Judge, City Civil Court, Chennai,

N.SATHISH KUMAR,J

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