



C.R.P.No.3826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.3826 of 2024

and

C.M.P.No.20999 of 2024

1.Venkatesan
2.Krishnaveni

... Petitioners

Vs.

V.Amudha

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order of delivery dated 06.09.2024 passed in E.P.No.102 of 2016 in O.S.No.493 of 2008 on the file of the Principal District Court at Chengalpattu.

For Petitioners : Mr.N.Krishnamurthy

For Respondent : Mr.C.Prabakaran

ORDER

Challenging the order of the Principal District Court at Chengalpattu, dated 06.09.2024, in E.P.No.102 of 2016 in O.S.No.493 of 2008, ordering



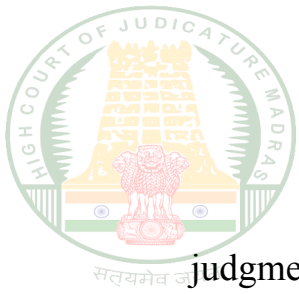
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delivery of possession of the subject property, the present revision has been filed.

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2.Originally, the suit in O.S.No.493 of 2008 was filed by the respondent for declaration of title and delivery of possession. The suit was decreed *ex parte* on 02.03.2010. The respondent/decreed holder filed the Execution Petition in E.P.No.102 of 2016 and the Execution Court ordered delivery by impugned order dated 06.09.2024. Challenging the same, the present revision has been filed by the judgment debtors.

3.Learned counsel for the revision petitioners/judgment debtors would mainly submit that the *ex parte* judgment in the suit in O.S.No.493 of 2008 is a single line order and the judgment and decree in the suit has already been challenged by them in a separate suit in O.S.No.162 of 2017 before the same Court and also with a prayer for declaration of title in respect of the same property. Though the suit filed by the revision petitioners was originally rejected by the trial Court by order dated 22.07.2024, the revision petitioners filed an appeal in A.S.No.1114 of 2024, and this Court, by judgment dated 26.03.2025, set aside the decree and



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judgment of the trial Court in O.S.No.162 of 2017, and directed the trial Court to dispose of the suit within a period of six months from the date of receipt of a copy of the order. Now, the suit is pending before the trial Court. Therefore, the learned counsel would submit that, if delivery is effected at this stage, it will lead to complications. Hence, he prayed for setting aside the order of delivery.

4.Whereas, the only grievance of the learned counsel appearing for the respondent is that, on the strength of the judgment of this Court in A.S.No.1114 of 2024, the revision petitioner is trying to put up construction and also trying to alienate the property.

5.Heard the learned counsel on either side and perused the entire materials available on record.

6.Since the only concern is with regard to the alienation and construction over the property, this Court is of the view that, as the matter is now pending before the trial Court, the revision petitioner shall not make any alienation or put up any further construction and let the property be



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maintained as it is. The rights of the parties will be decided by the trial Court in the suit in O.S.No.162 of 2017 filed by the revision petitioners. In order to protect the interest of the parties, the execution proceedings in E.P.No.102 of 2016 in O.S.No.493 of 2008 shall stand terminated for the present and the same will be revived subject to the result of the suit in O.S.No.162 of 2017 pending before the trial Court.

7. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2025

mkkn

Internet : Yes
Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation : Yes / No

To

The Principal District Judge,
Chengalpattu.



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N. SATHISH KUMAR, J.

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