



CRP NPD.No.248 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.248 of 2025 & CMP.No.1617 of 2025

V.M.Tamilselvan

... Petitioner

Versus

1. Karunalayasamy Madam Nandavanam
Rep. by Thakkar Arulmighu Avinashilingeswarar
Thirukoi Executive Officer Periyamaruthu Pandian,
Avinashi Taluk, Tiruppur District.

2. M.S.Balan

... Respondents

PRAYER : Petition filed under section 25 of of Tamilnadu Lease and Rent Control Laws to set aside the docket Order dated 08.08.2023 granting permission in E.A.No.8 of 2020 in E.P.No.20 of 2017 in O.S.No.622 of 2010 on the file of the II Additional District and Sessions Judge, Tiruppur grnting liberty to file Execution Application in E.P.No.90 of 2019 in O.S.No.622 of 2010 pending on the file of the II Additional District and Sessions Judge, Thiruppur and allow the revision.



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For petitioners : Mr.R.Thiagarajan

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ORDER

Challenge has been made against the Order of the Executing Court granting liberty to file a fresh claim petition in the execution proceedings, in the present revision petition.

2. Brief background of the case is as follows :

The revision petitioner filed a suit in O.S.No.622 of 2010 for specific performance and the suit was decreed and was put in execution proceedings in E.P.No.20 of 2017. Pursuant to the same, a sale deed has also been executed in favour of the revision petitioner on 08.10.2018. Thereafter, it appears that an application has been filed under section 47 of Code of Civil Procedure by the respondent to determine the questions in the execution petition. However, the execution Court dismissed the application for non prosecution with liberty to the petitioner to file a fresh application in the Execution Proceedings in E.P.No.90 of 2019.



3. Now it appears that, pursuant to such direction claim applications have also been filed in E.A.No.1 of 2023. The said application has now been allowed and the same has been challenged in Civil Miscellaneous Appeal. At this stage, the earlier Order dated 08.08.2023 wherein the executing Court had granted liberty to file a fresh claim petition, has been challenged in the present Writ Petition.

4. It is the contention of the learned counsel appearing for the petitioner that since he has filed an appeal, it cannot go as if the petitioner has not challenged the original Order. Only for that purpose, challenge has been made.

5. As the Court has already granted liberty and liberty has been fully utilized and a fresh application in E.A.No.1 of 2023 in E.P.No.90 of 2019 has been filed and it also appears that the said application has been allowed and the same has been put in challenge in Civil Miscellaneous Appeal, this Court is of the view that no further challenge over the earlier Order dated 08.08.2023 is required. The petitioner can raise all his contentions as to the jurisdiction of



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the execution court in the pending Civil Miscellaneous Appeal itself.

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6. With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The II Additional District and Sessions Judge,
Tiruppur.



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N. SATHISH KUMAR, J.

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