



C.R.P.(NPD)(MD).No.1092 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD).No.1092 of 2025
and CMP(MD).No.5946 of 2025

Rajeswari

.... Revision Petitioner/Petitioner
/25th Respondent/Nil/Nil

-vs-

Chinnasamy

...Respondent/Respondent/Petitioner
/Decree Holder/Plaintiff

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the returned docket order dated 28.03.2025 in E.A.SR.No.5991 of 2025 in E.A.No.1 of 2021 in E.P.No.109 of 2007 in O.S.No.249 of 2000 and to number the application in E.A.SR.No.5991 of 2025 on the file of the I Additional Subordinate Judge, Trichirappalli and allow this civil revision petition.

For Petitioner : Mr.K.R.Kishore Ram

For Respondent : M/s.B.Deepa



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ORDER

The 25th respondent in E.A.No.1 of 2021 in E.P.No.109 of 2007 in O.S.No.249 of 2000 on the file of the I Additional Subordinate Court, Tiruchirappalli has filed the present civil revision petition challenging the order of return passed in E.A.SR.No.5991 of 2025.

2.The respondent in the revision petition has filed the above said suit for the relief of recovery of money. Since the decree was not complied with, the decree holder has filed E.P.109 of 2007 to attach and bring the property for sale. The property was sold in Court auction. The decree holder who has purchased the property had filed E.A.No.229 of 2010 for taking delivery. When there was an obstruction from a group of persons, the decree holder/auction purchaser had filed E.A.No.1 of 2021 under Order 21 Rule 97 of C.P.C for removal of obstruction.

3.The Executing Court after considering the submissions made on either side, has passed an order on 06.03.2025 to the effect that the obstructors do not have any right over the property and they are liable to be evicted from the property in dispute.



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4. Though the order was passed on 06.03.2025, it is the contention of the learned counsel for the revision petitioner that, it came to their knowledge only on 19.03.2025. They have filed a copy application on 24.03.2025. So far, a copy of the order has not been furnished. However, taking advantage of the delivery order passed on 06.03.2025, the decree holder is attempting to remove the obstruction and take delivery of the property. In such circumstances, the 25th respondent in E.A.No.1 of 2021 had filed E.A.SR.No.5991 of 2025 seeking to stay all further proceedings in the obstruction petition till the order copy is issued by the Executing Court. This application has been returned under the impugned order stating that it is not maintainable. Challenging the said order, the present civil revision petition has been filed.

5. According to the learned counsel for the revision petitioner, without issuing a copy of the order dated 06.03.2025, if possession is taken, he will not be in a position to file an appeal before the competent authority. Hence, he had filed the present civil revision petition seeking a direction to the trial Court to number E.A.SR.No.5991 of 2025. Pending revision petition, he has also sought for an interim stay of further proceedings in the delivery order.



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6.Per contra, the learned counsel for the decree holder submits that there are 89 obstructors and they are not in a position to take delivery of the property for the past 5 years. Hence, any interim order granted by this Court, would result in, other petitioners approaching this Court, causing delay in taking delivery of the property.

7.Heard both sides and perused the material records.

8.The only grievance of the revision petitioner is that without furnishing a copy of the order dated 06.03.2025 passed in E.A.No.1 of 2021, the decree holder is proceeding to take delivery of the property. Considering the grievance expressed by the revision petitioner, this Court directs the I Additional Subordinate Judge, Tiruchirappalli to furnish a copy of the order dated 06.03.2025 to all the respondents in E.A.No.1 of 2021 (who have filed the copy applications) on or before 04.04.2025. The process of the delivery shall be kept in abeyance till 08.04.2025.



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9. With the above said observations, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.04.2025

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

msa

Note: Issue order copy today (02.04.2025)

To

1. The I Additional Subordinate Judge, Trichirappalli

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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