



C.R..P.(NPD)(MD).No.2578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.2578 of 2024

and

C.M.P(MD) No.14899 of 2024

M.Sumathi

... Petitioner/Respondent/
Defendant

Vs.

The Idol of Arulmigu Jambugeswarar
Ahilandeswari Devastanam Thiruvanaikoil,
Trichy-5, Represented by its
Executive Officer,
Holding Office at
Temple Premises.

... Respondent/ Petitioner
Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, challenging the petition and order dated 30.06.2022 made in E.P.No.11 of 2019 in O.S.No.1688 of 2008 (Old E.P.No.128/2018 in O.S.No. 1688 of 2008 on the file of the I Additional District Munsif Court, Trichy) on the file of the District Munsif Court cum Judicial Magistrate, Srirangam.

For Petitioner : M/s.R.Yamuna

For Respondent : Mr.T.Antony Arulraj



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ORDER

The present Civil Revision Petition has been filed by the judgement debtor in a suit for recovery of possession, challenging the order dated 30.06.2022, wherein the Execution Court has ordered police protection and break open.

2. The respondent Temple had filed O.S.No.1688 of 2008 before the District Munsif Court, Tiruchirappalli, for the relief of recovery of possession as against the revision petitioner herein. The suit was decreed after contest on 30.08.2011. The Temple had filed E.P.No.11 of 2019 for taking delivery. The delivery was ordered on 14.09.2021. The petitioner herein had challenged the order of delivery in C.R.P(NPD) No.1719 of 2021. This Court had dismissed the Revision Petition directing the Execution Court to dispose of the Execution Petition within a period of three months.

3. Thereafter, the respondent Temple had filed a Memo seeking police protection and break open of the property. This was ordered on 30.06.2022.



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This order is under challenge in the present Civil Revision Petition. The delivery was taken by the Temple on 28.08.2024.

4. According to the learned counsel appearing for revision petitioner, the petitioner's rights are protected by the orders of the Hon'ble Division Bench of this Court in W.P(MD) Nos.10547 to 10554 of 2022, and therefore, the trial Court ought not to have ordered police protection and break open.

5. Per contra, the learned counsel appearing for the respondent Temple had contended that the petitioner is not a party to the above writ petition and further, the order was passed only in favour of the temple.

6. Considering the fact that the respondent temple had obtained a decree for recovery of possession and the order of delivery was unsuccessfully challenged by the revision petitioner herein, the order of the Execution Court in ordering the police protection and break opening is only consequential and therefore nothing remains to be considered in the present Civil Revision Petition. Since the delivery has already been taken on 28.08.2024 by the respondent Temple, this Court does not find any merits in



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this petition.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

04.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif Court cum Judicial Magistrate,
Srirangam.
2. The I Additional District Munsif Court,
Trichy.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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