



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2169 of 2025

and

C.M.P.(MD).No.12743 of 2025

Jeyaraj

...Petitioner

Vs.

1.Suruli Bommiah

2.Balasubramani

3.Logamani

Vasanth (died)

...Respondents

(Notice to respondent Nos.2 and 3 are given as they are set exparte)

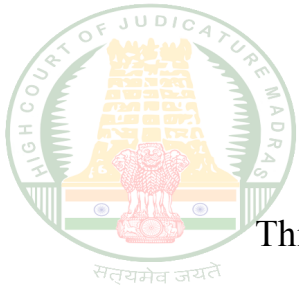
PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the order of delivery dated 26.06.2025 made in E.A.No.2 of 2024 in E.P.No.33 of 2010 in O.S.No.10 of 2006 on the file of the learned District Munsif, Bodinayakannur.

For Petitioner

: Mr.R.Suriya Narayanan

For Respondent

: Mr.K.Guhan



ORDER

This petition has been filed to set aside the order of delivery dated 26.06.2025 made in E.A.No.2 of 2024 in E.P.No.33 of 2010 in O.S.No.10 of 2006 on the file of the learned District Munsif, Bodinayakanur.

2. The first respondent herein filed a suit for specific performance in O.S.No.10 of 2006 on the file of the District Munsif-cum-Judicial Magistrate Court, Bodinayakanur, on the basis of a sale agreement, and the said suit came to be decreed on 27.03.2010. Subsequently, the first respondent filed an execution petition in E.P.No.33 of 2010 before the trial Court, in which the sale deed was executed by the Court in favour of the first respondent. Thereafter, the first respondent filed an execution application in E.A.No.2 of 2024 in E.P.No. 33 of 2010 before the District Munsif Court, Bodinayakanur, seeking delivery of the subject property under Order XXI Rule 95 CPC, and delivery was ordered in his favour on or before 30.07.2025. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed an undertaking affidavit before this Court, stating that he will vacate the premises within a period of three months. He would further submit that the first respondent is none other than his brother.



4. The learned counsel appearing for the first respondent has no serious objection.

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5. In view of the undertaking affidavit filed by the petitioner, the petitioner is directed to vacate and hand over possession of the property to the first respondent on or before 06.11.2025. Failing which, liberty is granted to the first respondent to evict the petitioner with the aid of the Police, and the jurisdictional Police is also directed to provide necessary assistance for eviction.

6. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif Court, Bodinayakanur.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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