

C.R.P.(MD)Nos.2390 & 2391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.2390 & 2391 of 2024
and C.M.P.(MD).Nos.13508 & 13509 of 2024

1.Sundara Rajan (Died) ... Petitioner/Petitioner/
Judgment Debtor/Defendant
2.S.Valanarasan
3.J.Snegappu ... Petitioners in both petitions

(Petitioners 2 and 3 are brought on record as LR's of the deceased sole petitioner vide common order dated 04.12.2024 made in C.M.P. (MD).No.15349 and 15441 of 2024)

Vs.

Pushpa Rani ... Respondent/Respondent/
Decree Holder/Plaintiff in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order, dated 02.09.2024 in E.A.Nos.16 & 17 of 2024 in E.P.No.26 of 2014 in O.S.No.382 of 2006 on the file of the Principal District Munsif Court, Padmanabhapuram.

For Petitioners : Ms.K.Shwahini for
Mr.C.Prabhu Rajadurai

For Respondent : Mr.M.Mohan Raj
(In both petitions)



C.R.P.(MD)Nos.2390 & 2391 of 2024

COMMON ORDER

WEB COPY

These Civil Revision Petitions have been filed to set aside the fair and decretal order, dated 02.09.2024 in E.A.Nos.16 & 17 of 2024 in E.P.No.26 of 2014 in O.S.No.382 of 2006 on the file of the Principal District Munsif Court, Padmanabhapuram.

2.The facts in brief:

These two revisions are preferred against the order of dismissal passed by the Execution Court in E.A.Nos.16 & 17 of 2024. The facts need not be elaborated in view of the long history of the case and the proceedings. As a final chance and choice the revision petition is filed. According to the revision petitioner, Sundarrajan was known for his literary work towards Tamil language; Published about 30 books; He received Tamil Scholar award in 2010; Now the property namely residential house which is the subject matter of the execution proceedings is maintained for storing literary books numbering about 10,000. So they want to lift the entire house by hiring the relevant service provider, to some other place.

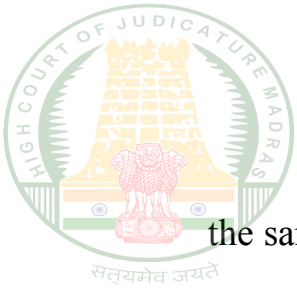


C.R.P.(MD)Nos.2390 & 2391 of 2024

3.The relevant paragraph of the undertaking is extracted hereunder.

“3.I submit that my father Sundarrajan was known for his literary contribution towards the Tamil language and has published about 30 books. He is a Tamil scholar and recipient of the Semmozhi Award in the year 2010. Unfortunately, he passed away on 12.10.2024. Owing to his love and contributions towards the Tamil language, we have continued to maintain our residential house in the suit property as a shrine to him. Therefore, it is necessary to preserve his works and contribution, by preserving the house and the books numbering about 10,000 therein. In view of the same, we undertake to lift the entire house from the basement by hiring the relevant service providers from the suit schedule property.”

4.On that ground the learned counsel on record for the revision petitioner wanted six months time to undertake the work of removing the structure. Even though sentiments may not have any bearing upon the rights of the parties, in the Court proceedings, but, in view of the fact that instead of demolishing the structure, the revision petitioner wants to shift



C.R.P.(MD)Nos.2390 & 2391 of 2024

the same to some other place, this may avoid unnecessary waste and cost.

So I am of the considered view that this request can be considered.

5.A rider was made in para No.4 and this is the reason for me to state that the facts need not be elaborated in view of the several proceedings. In para No.4 the revision petitioner wants once again to raise the very same old issue of identification of '6' cents in S.No.6/38. This was objected by the respondent by filing counter objection. They repeated the very same old proceedings. I don't want to elaborate, now making discussion on that issue. The revision petitioner was cautioned while making this request stating that he cannot raise the very same issue repeatedly. That is why the execution Court has imposed cost of Rs.10,000/- upon the revision petitioner. So that order is sufficient warning to the revision petitioner. So I am avoiding any discussion on the old issue which was already settled.

6.So without going into other aspects, more particularly in the aspect mentioned in para No.4 of the undertaking affidavit, these revisions are liable to be dismissed by granting four months time to the



C.R.P.(MD)Nos.2390 & 2391 of 2024

revision petitioners to remove the structure from the suit premises.

WEB COPY

7.In the result, both the civil revision petitions are dismissed with costs, with a direction to the revision petitioners to remove the structure in the suit property within a period of four months from today. It is made clear that on no account, time will be extended. If the revision petitioners fail to remove the structure within the time stipulated, the execution court may proceed in accordance with law. Consequently, connected miscellaneous petitions are closed.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Principal District Munsif, Padmanabhapuram.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(MD)Nos.2390 & 2391 of 2024

G.ILANGO VAN,J.

TM

C.R.P.(MD)Nos.2390 & 2391 of 2024

21.01.2025