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CRP No. 456 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 456 of 2026

and

CMP No. 2541 of 2026

1. M.Manikandan,
Son of A.Mohan,
Residing at
No.D404, Shiridi Shelters,
Vadakupatthu Main Road,
Vadakupattu Village, Sholinganallur Taluk.
2. R.Lavanya,
Wife of M.Manikandan,
Residing at
No.D404, Shiridi Shelters,
Vadakupatthu Main Road,
Vadakupattu Village, Sholinganallur Taluk.

..Petitioner(s)

Vs

1. P.Raviraj,
S/o.Perumalpillai,
No.325/1, Samanthi Poo Street,
Periyar Nagar South,
Virudhachalam,
Cuddalore -606 001.
2. N.S.Premalatha,
W/o.P.Raviraj,
No.28-E, Subashini Flats Patel Street,
Chromepet, Chennai -44.
Presently residing at
Block 3, D406,



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Casagarand Supremus,
SIPCOT-Thazhambur Road,
Thazhambur, Chennai -600 130.

..Respondent(s)

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition by issuing a direction to the 2nd Respondent to remove her listed articles kept in the suit premises, in default, direct the Learned Execution Court/Subordinate Court, Alandur, to pass an order in EA.No.1 of 2024 to ensure the removal of the listed movable properties of the 2nd Respondent from the suit premises within a time frame.

For Petitioner(s): Mr.V.Subramanian

For Respondent(s): No appearance

ORDER

The petitioners in E.A.No.1 of 2024 in E.P.No.63 of 2023 in O.S.No.196 of 2022 are the petitioners in the present Civil Revision Petition. The respondents are husband and wife.

2. The revision petitioners filed O.S.No.196 of 2022, before the Subordinate Court, Alandur for eviction, recovery of rent and damages against the



respondents in respect of the suit schedule property. There were some matrimonial disputes between the respondents. However, the aforesaid suit was referred to Lok Adalat and the same was taken by it on 11.02.2023. Before the Lok Adalat, the respondents agreed to vacate and hand over the keys of the suit premises on or before 25.02.2023, and the award was passed on 11.02.2023, to the said effect, recording the agreement between the parties. Later, the respondents failed to comply with the award passed in the Lok Adalat and therefore, the petitioners filed E.P.No.63 of 2023 in O.S.No.196 of 2022 for execution of the award and for Delivery of vacant possession of the schedule mentioned property. After hearing both sides, Delivery was ordered returnable by 20.10.2023, and when the bailiff attempted to execute the Delivery warrant on 18.10.2023, the same could not be executed. Therefore, Delivery was again ordered on 14.03.2024. On 14.03.2024, Delivery was effected in presence of the concerned officials with the support of the authorities. Whiles, only the 1st respondent removed his articles, leaving behind the articles belonging to the 2nd respondent. The senior bailiff therefore prepared an inventory of the remaining articles of the 2nd respondent and handed over the same to the petitioners with vacant possession of the suit schedule property on 14.03.2023. The Delivery of possession was recorded in the E.P and the E.P was terminated on 25.03.2024.



Since the 2nd respondent did not come forward to take her articles, the petitioners filed E.A.No.1 of 2024, for a direction to the 2nd respondent to take the delivery of removables belonging to her. In the E.A, the learned counsel for the 2nd respondent appeared on 28.08.2024, and informed the Court that the 2nd respondent was willing to take away her articles before 13.09.2024. Despite the said undertaking, the 2nd respondent failed to comply with the same, and so the said E.A was adjourned from time to time, without any finality being reached even after the lapse of 1 ½ years. The petitioners therefore filed the above Civil Revision Petition for the aforesaid relief.

3. In the Civil Revision Petition, as early as on 20.02.2026, this Court recorded that the refusal of notice by the 1st respondent and service of private notice to the 2nd respondent. The Court thereafter directed the registry to verify and print the names of both respondents and posted the case for orders on 03.03.2026. On 03.03.2026, the learned counsel for the petitioners submitted that he was contacted over phone by a counsel purporting to represent the 2nd respondent who informed him that he would be filing the Vakalat for the 2nd respondent. Therefore, in order to afford an opportunity to the 2nd respondent,



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this Court adjourned the matter, with a direction to the Registry to post the matter under the caption “for orders” on 11.03.2026. On 11.03.2026, this Court directed the Registry to post the matter again on 18.03.2026, in order to give one more opportunity to the 2nd respondent.

4. Today, when the matter is takenup for hearing, there is no representation for the 2nd respondent. The Registry in the cause list has specifically mentioned that no vakalat has been filed.

5. The records reveal that before the Lok Adalat a settlement memo was executed, in which the respondents, both husband and wife, agreed to vacate and hand over the vacant possession of the suit property on or before 25.02.2023, and also to pay arrears of rent. Their statements were recorded and a decree was passed in terms of the Lok Adalat Award, on 11.02.2023 in the suit. Despite the settlement, respondents did not take any steps to vacate the premises and therefore the petitioners filed E.P.No.63 of 2023, for execution of the Lok Adalat award. In the execution petition, the 2nd respondent, filed a counter blaming her husband, the 1st respondent for not vacating the premises.



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6. Thereafter in the EP, the 2nd respondent was set *ex parte* and Delivery was ordered on 20.10.2023. Later, on 18.03.2024, the 1st respondent removed all his belongings voluntarily as per the inventory taken in the EP. However, the 2nd respondent failed to remove her belongings and so the Court recorded that as per inventory, the articles numbered from 1 to 30 were to be handed over to the 1st petitioner and consequently terminated the EP. Even after closure of the EP, the 2nd respondent did not remove her belongings and therefore the petitioners were constrained to file E.A.No.1 of 2024. In the E.A.No.1 of 2024, on 28.08.2024, the 2nd respondent appeared through her counsel and informed the Court that she was willing to take her articles before 13.09.2024. The Court was informed by the parties that if 2nd respondent gave prior intimation of the time and date for removing her belongings, the petitioner's would open the flat and thereafter take vacant possession from the 2nd respondent. On the aforesaid submissions, the EP was adjourned for compliance on 17.09.2024. Thereafter also the 2nd respondent, continued with her hide seek tactics and neither appeared before the Court nor took steps to take back her belongings. Left with no other option on 23.04.2025, the



Execution Court directed the Amina to fix the value of the movable properties.

Later, on various dates, the matter was adjourned and finally on 03.01.2026, the valuation report was filed without specifying the weight of silver articles and hence for better valuation report, the case was adjourned to 20.02.2026. From the narration of the proceedings before the execution Court, it is clear that the 2nd respondent has been playing hide and seek games with the Court thereby abusing the process of Court.

7. As rightly contended by the learned counsel for the petitioners, the facts narrated above clearly disclose that the 2nd respondent has no regard for the rule of law and that she has been abusing the process of Court to settle the matrimonial scores with her husband, the 1st respondent herein. Even, before this Court, the 2nd respondent has been adopting the same tactics. Initially she did not appear and after this Court by order dated 20.02.2026 directed the registry to print her name and post the revision for orders on 03.03.2026, she informed the petitioner's counsel through a counsel that he would file the vakalat for her. Based on such submission the case was directed to be listed today.



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8. But today, again there is no representation for the 2nd respondent.

Therefore it is very clear that the 2nd respondent has scant respect or regard for the Court and its dignity. The conduct of the 2nd respondent is highly deplorable and therefore as rightly contended by the learned counsel for the petitioners, there is no point in keeping the execution proceedings pending. Under the said circumstances, this Court deems it appropriate to direct the executing Court to auction the movable belongings of the 2nd respondent, as per law within a period of six(6) weeks, from the date of receipt of a copy of this order and close the EP.

9. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
The Subordinate Judge, Alandur.



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N.MALA J.

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