



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.03.2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CMPNo.8356 of 2026

in CRP.No.4679 of 2025

1.C.N.G.Theynmozhi

2.C.N.G.Ezhilarasi

3.C.N.G.Niraimathi

... Petitioners/Petitioners

Vs.

K.R.Venkataraman

... Respondent/Respondent

prayer: Civil Miscellaneous Petition filed under Section 148 of the Code of Civil Procedure, to grant six months time to vacate and handover vacant possession of the suit property in E.P.No.90 of 2023 on the file of the Subordinate Judge, Alandur.

For Petitioners : Mr.P.Valliappan
for Mr.K.Naveen Kumar

For Respondent : Mr.T.Easwaradhas
for Mr.M.Sriram

ORDER

This Civil Miscellaneous Petition is filed by the petitioners seeking six months time to vacate and handover vacant possession of the suit property in E.P.No.90 of 2023 on the file of the Subordinate Judge, Alandur.



2. I have heard Mr.P.Valliappan, learned Senior Counsel for the petitioners and Mr.Eswaradhas, learned counsel for the respondent decree holder.

3. The present application has been taken out for granting six months time to enable the petitioners to vacate and deliver possession in pursuance to the order of the Execution Petition in E.P.No.90 of 2023 on the file of the Subordinate Judge, Alandur.

4. The petitioners have now decided to put a full stop to the litigation and to secure alternative accommodation, they seek reasonable time. They undertake to hand over possession of the suit property to the respondent/decreed holder peacefully. Accordingly, the petitioners have filed this application seeking a period of six months' time, considering the fact that the petitioners have been in occupation of the property for over two decades.

5. The request for time to vacate and hand over possession of the suit property is seriously opposed by the learned counsel for the respondent/decreed holder.

6. Firstly, he would contend that the present application itself is not



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bona fide, inasmuch as, in paragraph No. 7, the petitioners have stated that the request for time is subject to a pending Review Petition filed on 02.02.2026. The learned counsel would further state that as against the order confirming the order of delivery, the petitioners moved the Hon'ble Supreme Court and the same was dismissed. He would further contend that these petitioners have already approached the Hon'ble Supreme Court twice unsuccessfully and therefore, the present application is nothing but a dilatory tactic intended to gain time and does not merit any consideration.

7. I have carefully considered the submissions advanced on either side.

8. The petitioners now seek six months time to vacate, contending that they have no other residence and immediate eviction would render them shelterless and serious and irreparable prejudice would be caused. The fact remains that the petitioners have put up construction of a residential building in the suit property, under the impression that the suit property belonged to them. They have admittedly been in occupation for over 20 years.

9. Considering the above and also the trajectory the case has taken from 2009 onwards, I am inclined to grant time to the petitioners to vacate



and handover the possession of suit property on or before 30.06.2026, subject to;

(i). All the three petitioners filing an affidavit of undertaking that they would peacefully vacate and handover vacant possession of the suit property to the respondent / decree holder on or before 30.06.2026, without seeking any further extension of time;

(ii). The affidavit shall also state that review application filed on 02.02.2026 shall not be prosecuted further; and

(iii) The petitioners shall not indulge in any further litigation, touching the subject matter in dispute,

The said affidavit shall be filed within a period of one week from the date of the order being uploaded in the website of this Court, after serving an advanced copy on the learned counsel for the respondent. If the affidavit is not filed as directed, then it shall be open to the respondent / decree holder to proceed to execute the warrant of delivery.

10. With the following terms, this Civil Miscellaneous Petition is disposed of.



27.03.2026

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Neutral Citation: Yes
Speaking Order
Index : Yes
Ls

To

1.TheSubordinate Judge,
Alandur.

2.The Subordinate Judge,
Tambaram.



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P.B. BALAJI, J.

LS

order made in
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