



WEB COPY

CRP No. 2901 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2901 of 2026

AND

CMP NO. 11873 OF 2026

Mansoor Ali
No.12, Ghulam Mohideen Street,
Mount Road,
Chennai 600002

..Petitioner(s)

Vs

Ameerunnisa Begum Sahiba Endowments
Rep by its President,
Jalal Ameenur Rahman
NO.76, Pycrofts Road (Bharathi Salai)
Triplicane, Chennai 600005

..Respondent(s)

PRAYER

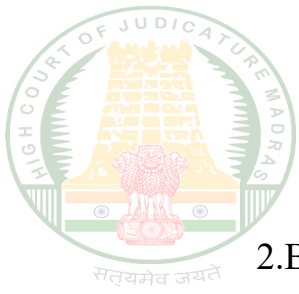
Civil Revision Petition filed under Sec.115 of C.P.C., praying to pass an order to set aside the order of delivery warrant dated 24.04.2026 by the XI Asst. City Civil Court, Chennai in EP.No.2687/2010 in OS.No.3840/2005.

For Petitioner(s): Mr.M.Mubena Almas

For Respondent(s): Mr.L.Gavaskar

ORDER

Challenging the impugned order passed by the Executing Court in E.P.No.2687 of 2010 in O.S.No. 3840 of 2005 by the XI Assistant Judge, City Civil Court, Chennai, the Revision Petitioner/Judgment Debtor had preferred this Civil Revision Petition.



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2. Before the Executing court, the respondent/decreed holder had initiated execution proceedings in E.P.No.2687 of 2010 seeking for delivery of property and the application in E.A. No. 2943 of 2016 was filed by the Obstructor and that was dismissed by the Executing Court. Subsequently, C.R.P. was filed and the same was also dismissed. After the dismissal of impugned applications, the Executing Court had passed an order for delivery of property and also directed the respondent to remove the superstructure. Challenging the impugned order of delivery, this Civil Revision Petition has been filed by the Revision Petitioner/Judgment Debtor.

3. The learned counsel for Revision Petitioner would submit that the superstructure belong to them and the respondent/decreed holder has no right to take delivery of property including the superstructure. However, the Executing Court had passed an order for delivery of land and not the superstructure. So, the Revision Petitioner/Judgment Debtor is entitled to remove the superstructure and hand over the vacant possession. Therefore, I do not find any irregularity in the order passed by the Executing Court. Admittedly, the E.P. is pending from the year of 2010 and the rent for the land also not paid by the Revision Petitioner. As per the submission of respondent/decreed holder, the sum of Rs.75,000/- was received as monthly rent by the Revision Petitioner by subletting the property. Therefore, the order passed by the Executing Court does not require any interference. Accordingly, this



Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

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

RPP

To

The XI Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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