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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P.No.7080 of 2026

CNR:{HCMA012602882026}

Case QR

and

C.M.P.No.30484 of 2026

Lourdusamy
S/o.Gabriel

..Petitioner(s)

Vs

Mariya Joseph Alphone Blampain
Rep. by his power of attorney
Mr.Jayapragasam
S/o.Marie Earnest Michel,
No.439, M.G.Road, Puducherry
Rep. by his power of attorney Jayapragasam,
S/o.Ramadoss
No.32, Gangaiamman Koil Street,
Chennaiyanpet, Pondicherry.

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair order dated 11.09.2026 passed in E.A.No.19 of 2026 in E.A.No.12 of 2022 in RCEP No.6 of 2016 in HRCOP No.65 of 2013, on the file of the Principal District Munsif, Puducherry, allow the said E.A. No. 19 of 2026 filed by the petitioner.

For Petitioner(s): Mr.M.Mohanraj

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O R D E R

This Civil Revision Petition has been filed challenging the order passed by the Executing Court, dismissing the application filed by the petitioner seeking to reopen the enquiry in the application filed by him under Section 47 of C.P.C.

2. The respondent herein filed a House Rent Control Original Petition against the petitioner in H.R.C.O.P.No.65 of 2013 and obtained an order of eviction. The said eviction order was put into execution in R.C.E.P.No.6 of 2016. The petitioner filed an application under Section 47 of C.P.C. in E.A.No.12 of 2022, disputing the identity of the property. In the said application, the petitioner's side evidence was closed by the Executing Court on 19.04.2022. Thereafter, the petitioner filed an application in E.A.No.19 of 2026 seeking to reopen the enquiry in the Section 47 of C.P.C application. However, he did not take any steps to number the said application immediately. On the other hand, the petitioner filed yet another application in E.A.No.18 of 2022, seeking issuance of summons to the list of witnesses mentioned in the petition. The said petition was dismissed by the Executing Court on merits on 12.12.2025, recording that there was no dispute with regard to the identity of property and hence, there was no necessity to allow the said application. Only

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thereafter, the petitioner had taken steps to number the application seeking to reopen the enquiry, where the evidence had been closed as early as on 19.04.2022. By the impugned order the executing Court dismissed the said application. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that there is a serious dispute with regard to the identity of the property, and therefore, the petitioner shall be given an opportunity to reopen the enquiry and to lead further evidence.

4. It is seen from the records that the petitioner's evidence in the application filed under Section 47 of C.P.C. was closed as early as on 19.04.2022. If the petitioner had been very serious about letting in further evidence, he should have taken immediate steps to number the reopen application, which was filed as early as on 13.03.2023. However, the petitioner did not take steps to number the said application immediately. On the other hand, he filed yet another application E.A.No.18 of 2022 seeking issuance of summons to various witnesses. The said application was dismissed by the Executing Court on 12.12.2025, after recording a finding that there was no dispute with regard to the identity of the property. Only thereafter, the petitioner had taken steps to number the instant application and sought to reopen the enquiry on his side. Already, the Executing Court, while dismissing E.A.No.18

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of 2022, had recorded a finding that there was no dispute with regard to the identity of the property. Further, the petitioner has not shown any urgency in getting the application numbered and the same was numbered only in the year 2026. Consequently, the respondent/decree holder has been prevented from enjoying the fruits of the decree for number of years. The E.P has been filed in the year 2016 and the same has been dragged on for more than ten years.

5. Taking into consideration the conduct of the petitioner, the Executing Court has rightly dismissed the application. I do not find any error in the impugned order passed by the Executing Court.

6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11-11-2026

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

To
The Principal District Munsif,
Puducherry.

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