

In the High Court of Judicature at Madras

Dated:30.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

..
Civil Revision Petition (PD) No.918 of 2006
and M.P.No.1 of 2006
..

1. N. Nehruraj
2. N. Uma Devi
3. N. Shanthi
4. S. Arumugham
5. C. Sivaraman
6. A. Abubacker

... Petitioners

vs.

1. P. Selvaraj
2. A. Thangaraj

... Respondents

Revision Petitions filed under Article 227 of the Constitution of India against the order dated 13.06.2006 made in E.A.No.70 of 2006 in E.P.No.110 of 2000 in O.S.No.564 of 1993 on the file of Subordinate Judge, Tiruppur.

For petitioners : Mr. P.M. Duraiswamy

ORDER

The above civil revision petition is directed against the order of the learned Subordinate Judge, Tiruppur dated 13.06.2006 made in E.A.No.70 of 2006 in E.P.No.110 of 2000 in O.S.No.564 of 1993.

2. The petitioners / third parties filed E.A.No.70 of 2006 under Order XXI Rule 9 read with Section 151 CPC to record their obstructions in E.P.No.110 of 2000 in O.S.No.564 of 1993. It is seen from the materials placed that the said suit has been filed in the year 1993 and decree has been obtained on 24.08.1999 and E.P.No.110 of 2000 has been filed on 08.08.2000. It is further seen that the petitioners 1 to 6 have been inducted as tenants by the second respondent, who is none else than the Judgment Debtor in the year 2002 and 2004. The learned Judge

taking note of the fact that the decree has reached its finality, the present petitioners were become the tenants of the second respondent-Judgment Debtor, at whose instance the present petition has been filed, finding that there is no merit in their obstruction, dismissed the Execution Application No.70 of 2006, hence, the present revision.

3. On going through the factual details and of the fact that the decree was obtained as early as in 1999 and the Execution Petition is pending from 2000 and also of the fact that the petitioners are only tenants under the Judgment Debtor, I am in entire agreement with the conclusion arrived at by the learned Subordinate and I do not find any error or infirmity in the order impugned. Consequently, the revision fails and the same is dismissed. No costs. Connected MP., is also dismissed.

The learned counsel for the petitioners submits that taking note of the fact that petitioners 1 and 2 are running a Mess and others residing in the premises in question, seeks four weeks time to hand over the possession to the decree holder. Though I am not inclined to consider such request, taking note of the fact that four of the petitioners are residing therein, I am inclined to grant reasonable time for handing over possession. The learned counsel for the petitioners also assured this Court that the petitioners will hand over the possession to the decree holder on the expiry of four weeks from this date. The above statement of the learned counsel is hereby recorded. Accordingly, petitioners are granted four weeks time from today for handing over the possession to the decree holder.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Subordinate Judge
Tiruppur.

+ 1 cc to Mr.P.M. Duraiswamy, Advocate SR No.27947

AK(CO)
SR/3.7.2006

Order in
C.R.P. (PD)No.918/06