



C.R.P.(MD)No.2459 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2459 of 2023
and
C.M.P.(MD)No.12825 of 2023

Periyasamy Gounder @ Appavu (died)

1.Periyathambi

2.Nachimuthu

3.Ganesan

Palanisamy (died)

4.Dhandapani

Periyana Gounder @ Ayyavu (died)

5.Periyasamy @ Subramani

Samiyappan (died)

Perumal (died)

6.Periyakkal

7.Chinna Periyakkal

Saraswathi (died)

8.Poovathal

Ramathal (died)

9.Vellaisamy

10.Suganthi



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11.Ramya

12.Seetha : Petitioners/Respondents 2 to 4, 6,8,12,13,15,17 to 20
Defendants 2 to 4, 6,8,12,13,15,17 to 20

Vs.

1.Periyasamy Gounder

2.Karuppusamy Gounder

3.Magudeeswaran : Respondents 1 to 3/Petitioners
Plaintiffs

4.Parvathi : 4th Respondent/11th Respondent
11th Defendant

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in E.P.No.10 of 2019 in O.S.No.230 of 2008 on the file of the District Munsif Court, Palani, dated 09.08.2023.

For Petitioner : Mr.D.Venkatesh

For Caveators : Mr.T.Lenin Kumar, for R1 to R3.

ORDER

The Civil Revision Petition is directed against the order passed in E.P.No.10 of 2019 in O.S.No.230 of 2008, dated 09.08.2023 on the file of the District Munsif Court, Palani, ordering delivery.



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2. The petitioner, who is a decree holder, has filed the execution petition, seeking delivery in pursuance of the final decree passed on 21.12.2018 in I.A.No.378 of 2008 in O.S.No.230 of 2008.

3. It is not in dispute that some of the defendants have preferred an appeal and the same was ordered to be dismissed on 19.11.2022 and that thereafter, preferred a second appeal in S.A(MD)No.94 of 2023.

4. The learned counsel for the petitioners would submit that the second appeal was dismissed by this Court yesterday (i.e., on 11.10.2023) and hence, nothing survives for further adjudication in this petition.

5. In view of the above, this Court is not inclined to interfere with the impugned order of delivery passed by the executing Court and hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

das



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To

- 1.The District Munsif Court, Palani.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2459 of 2023
and
C.M.P.(MD)No.12825 of 2023

Dated : 12.10.2023