

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1199 of 2014 &

M.P.No.1 of 2014

1.Magudpathy

2.Lalitha

3.Backiam (deceased)

4.Kathirvel

5.Ramani

6.Shanthi

7.Vanaja

8.Anusuya

(Petitioners 4 to 8 brought on record as
LRs of the deceased 3rd petitioner vide
order of court dated 15.6.2015 made in
M.P.No.1/2015 in C.R.P. No.1199/2014

... Petitioners

v.

1.Lakshmi Chandaran

2.The Tamil Nadu Electricity Board,
Rep. By its Assistant Engineer (Distribution)
Bharathiar University Circle
Coimbatore – 641 046.

3.Veerakerealam Agricultural Co-operative
Bank Ltd (No.K2069)
Veerakerealam
Coimbatore – 641 041.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above revision and to set aside the fair and decreetal order dated 27.01.2014 made in R.E.P.No.56 of 2013 in O.S.No.425 of 2007 on the file of IInd Additional Subordinate Court at Coimbatore.

For Petitioners : Mr.P.Mathivanan

For Respondents : Mr.L.Mouli – for R1

ORDER

Challenging the fair and final order passed in R.E.P.No.56 of 2013 in O.S.No.425 of 2007 on the file of IInd Additional Subordinate Court, Coimbatore, the judgment debtors have filed the above Civil Revision Petition.

2. Pursuant to the decree passed in O.S.No.425 of 2007 , the decree holder filed Execution Petition in R.E.P.No.56 of 2013 to direct the judgment debtors to remove the unauthorized construction in the petition mentioned property and to delivery vacant possession.

3. It is brought to the notice of this court that the decree passed in O.S.No.425 of 2007 was confirmed by this court in the Second Appeal in S.A.No.860 of 2013 by judgment dated 13.09.2013 and the same was confirmed by the Hon'ble Supreme Court in S.L.P. Nos.13160 and 13161 of

2015, dated 24.07.2015.

4. Since the decree passed in O.S.No.425 of 2007 has been confirmed by the Hon'ble Apex Court, I am of the considered view that the Execution Court has rightly allowed the Execution Petition.

5. It is settled position that the Execution Court is bound by the decree passed by the Hon'ble Supreme Court. In these circumstances, the Execution Court has rightly allowed the Execution Petition.

6 In view of the above, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.11.2015

Index : Yes/No

Rj

To

The IInd Additional Subordinate Court
Coimbatore,

M. DURAISWAMY, J.,

Rj

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M.P.No.1 of 2014

20.11.2015