



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.1552 of 2014 (NPD)

WEB COPY

1.Navasakthi

2.Santhana Krishnan

3.Vijayalakshmi

4.Gurumurthy

... Revision Petitioners/Petitioners

vs.

1.Pushpavalli

rep.by son/guardian Kumaresan

2.Meenakshi Sundaram Pillai

3.M.Gandhi

... Respondents/Respondents

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in E.A.No.61 of 2013 in E.P.No.24 of 2009 in O.S.No.91 of 2005 dated 10.06.2014 on the file of the District Munsif Court, Paramakudi.

For Petitioner : No appearance

For R1 : Mr.K.Govindarajan

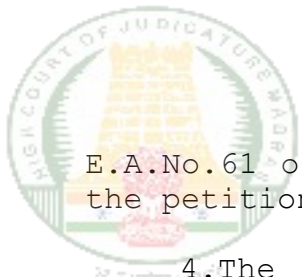
For R2 and R3 : No appearance

O R D E R

The suit is for declaration that the first item of the property belongs to the plaintiff and for recovery of possession. The said suit in O.S.No.91 of 2005 was decreed on 12.10.2007 declaring the right of the first plaintiff in the first item of the suit property and for recovery of possession. If the defendants had not removed the super-structure and delivered the possession of the property, it was decreed further to take delivery through Court.

2.The suit second item was also declared in favour of the plaintiff for recovery of possession, after removing the super-structure was granted.

3.In execution of the said decree, the plaintiff/decreed holder had filed E.P.No.24 of 2009 in which the revision petitioners had filed E.A.No.61 of 2013 seeking declaration that the judgment and decree passed in O.S.No.91 of 2005 dated 12.10.2007 is not binding on them. The revision petitioners are the children of the second defendant and they had filed an application to declare the decree holder as an insane person, which was dismissed and pending revision, the decree holder also died. The second defendant, who is the father of the petitioners being a party to the proceedings and the decree is binding on him. Therefore,



E.A.No.61 of 2013 seeking declaration that the decree is not binding on the petitioners is unacceptable and not maintainable.

4.The learned counsel for the respondents also produced certified copy in E.P.No.24 of 2009 dated 31.12.2014, wherein it is made clear that the super-structure over the suit property was removed and possession was delivered to the decree holder / plaintiff, in the presence of the surveyor, the Assistant Engineer of the Electricity Board and the Police.

5.Based on the said report, the delivery was recorded on 07.01.2015 and the EP was terminated. Once EP was terminated, nothing survives in the revision petition. Hence, the civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To
The District Munsif,
Paramakudi.

+1cc to Mr.K.Govindarajan,Advocate, SR.No.11924

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