



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 9/3/2015

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.NPD (MD) No.1503 of 2013

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C.A.Ganapathi

...Petitioner

Vs.

1. P.K.N.Kannan

2. P.K.N.Ramasubu

...Respondents

Petition filed under Article 227 of the Constitution of India to set aside the petition order dated 26/4/2013 made in unnumbered E.A.No.--- of 2013 in E.P.No.331 of 2006 in R.C.O.P.No.225 of 2001 on the file of the Principal District Munsif Court, Madurai.

For petitioner

... Mr.A.G.Senthil Kumar

For respondents

... Mr.R.Sundar Srinivasan

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O R D E R

The above revision is filed by the tenant challenging the execution proceedings. Pursuant to the order of eviction, the landlord had levied E.P.No.331 of 2006. In the said E.P., the revision petitioner had filed an unnumbered E.A.--- of 2013 which was rejected by the trial Court even before numbering. The said application was filed by the tenant under Section 47 of the Code of Civil Procedure.

2. The tenant raised the following objections in the said application viz., there was no approved plan for the petition mentioned building filed along with E.P and the order of eviction is unsustainable and that C.R.P.NPD (MD) No.674 of 2012 is pending before this Court.

3. The above points cannot be raised by a tenant for the simple reason that the objection of non-filing of the approved plan cannot be raised in the execution petition as the said points were considered in the eviction petition. The executing Court cannot go beyond the decree. Secondly, the tenant had already filed a revision against the order of eviction which was numbered as C.R.P.NPD (MD) No.674 of 2012. So, in view of the above reasons, the execution Court rejected E.A., even without numbering.

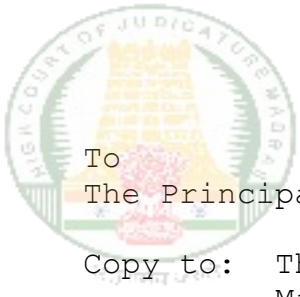
4. This Court finds no infirmity or illegality in the order of rejection passed by the Principal District Munsif, Madurai and also in view of the findings given in the C.R.P.No.674 of 2012, this Civil Revision Petition also deserves dismissal.

5. In the result, this Civil Revision Petition is dismissed, confirming the order dated 26/4/2013 made in unnumbered E.A.No.--- of 2013 in E.P.No.331 of 2006 in R.C.O.P.No.225 of 2001 on the file of the Principal District Munsif, Madurai. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/



To
The Principal District Munsif, Madurai

Copy to: The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

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+1CC to M/s.R.Sundar Srinivasan, Advocate in SR.11505
+1CC to M/s.A.G.Senthilkumar, Advocate in SR.11772

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mvs

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