

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2016

Coram

The Hon'ble Mr.Justice M.DURAI SWAMY

CRP(NPD)No.3605 of 2014
MP.No.1 of 2014

Jeyalakshmi

..Petitioner

Vs

1. Balakrishnan
2. Ramachandran
3. Singaram

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India against the decretal order dated 30.04.2014 passed in E.A.Sr.No.3605 of 2014 in E.P.No.151 of 2007 in O.S.No.28 of 2007 on the file of the Principal Subordinate Judge, Vridhachalam.

For Petitioner : Mr.G.Pugazhenthir
For Respondents : Mr.Bharathachakaravarthy for
M/s Sai Bharath and Ilan (R2)

ORDER

Challenging the order dated 30.04.2014 passed in E.A.Sr.No.3605 of 2014 in E.P.No.151 of 2007 in O.S.No.28 of 2007 on the file of the Principal Subordinate Court, Vridhachalam, the revision petitioner, who is a third party to the proceedings, has filed the above Civil Revision Petition.

2. Pursuant to the decree passed in O.S.No.28 of 2007, the plaintiff has filed an Execution Petition in E.P.No.151 of 2007 for the sale of the property.

M.DURAIWAMY,J

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The property of the defendant was brought to sale and the sale was also confirmed in favour of the 3rd respondent.

3. When the matter is taken up for hearing, the learned counsel appearing for the 2nd respondent/decreed holder submitted that the auction purchaser had taken delivery and possession and the Execution Petition was also terminated. Further, the learned counsel submitted that the suit filed by the revision petitioner in O.S.No.311 of 2011 on the file of the I Additional District Munsif Court, Vridhachalam was also dismissed for default on 09.07.2014. The application in E.A.Sr.No.3605 of 2014 was filed by the revision petitioner under Order 21 Rule 26 of the Code of Civil Procedure to stay the Execution Proceedings until the suit in O.S.No.311 of 2011 is disposed of. Since both, the Execution Petition as well as the suit were also disposed of, I do not find any reason to keep the Civil Revision Petition pending. Accordingly, the Civil Revision Petition stands dismissed as infructuous. No costs. No costs. Connected miscellaneous petition is also dismissed.

29.09.2016

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To

Principal District Munsif, Bhavani, Erode District.

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