

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1277 of 2016
and
C.M.P.No.7120 of 2016

1. Chinnaraj Gounder
2. Ellammal

.... Petitioners

vs

1. Thavamani
 2. Kanakammal
 3. Mani
 4. Kala
 5. Devaraj
 6. Meera
 7. Mohana
 8. Minor Tamizhselvi
 9. Minor Priya
 10. Minor Sowmiya
- (Respondents 7 to 10 represented
by their natural guardian 7th respondent
mother)

.... Respondents

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the docket order passed by the learned District Munsif, Arani in E.A.No.142/2003 in E.P.No.273 of 1990 in O.S.No.311 of 1981 dated 06.04.2016.

For Petitioner : Mr.R. Margabandu

ORDER

Challenging the fair and final order passed in O.E.A No.142/2003 on 06.4.2016 in E.P.No.273 of 1990 in O.S.No.311 of 1981 on the file of District Munsif Court, Arani, the judgment debtors 6 and 7 have filed the above Civil Revision Petition.

2. The Execution Court had ordered delivery in O.E.A.No.142 of 2003 on 06.04.2016. It is pertinent to extract the order passed by the execution court on 06.04.2016, which reads as follows:

"06.04.2016

O.E.A 74/2016 is dismissed.

As per Hon'ble High Court direction in CRP No.1259/2013 dated 10.12.2015 to dispose this application within 4 week date of receipt of bundle on 01.03.2016. From that date respondent side filed various memo to drag on the proceedings finally filed E.A.14/2016 and also dismissed to day. Respondent is seem to be produced the petition on delay the delivery. Heard today and His delivery date hence for delivery on 21.04.2016.

Batta in 3 days."

06.04.2016".

3. It is pertinent to note that challenging the order passed in

E.A.No.142 of 2003, the petitioners have filed a Civil Revision Petition in CRP(NPD) No.1259 of 2013 and this Court, by Order dated 10.12.2015, taking into consideration the entire facts, put forth by the learned counsel on either side, dismissed the Civil Revision Petition and directed the execution court viz., the District Munsif Court, Arani to dispose of the application in E.A.No.142 of 2003 in E.P.No.273 of 1990 within a period of four weeks.

4. On a perusal of the order dated 06.04.2016, passed by the execution court, it could be seen that the petitioners have been filing various memos to drag on the proceedings and finally filed an application in E.A.No.74 of 2016 to stay all further proceedings, which was also dismissed by the execution court on 06.04.2016. The execution court also observed that the petitioners are filing memos and applications with the sole aim of delaying the delivery of possession.

5. This Court had considered all the submissions, made by the learned counsel appearing for the petitioner in C.R.P(NPD)No.1259/2013 and rejected the case of the petitioners. As

M. DURAISWAMY,J.,

sr

stated in the order dated 10.12.2015, the suit was filed in the year 1981 and the property was sold in the Court auction on 26.04.1995 and even after a lapse of 35 years, the decree holders are not in a position to take possession of the property. The present Civil Revision Petition has been filed only to drag on the proceedings further. 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 accordingly, the civil revision petition is dismissed. No costs. Consequently, connected CMP is closed.

08-06-2016

sr

Index:no
website:yes

Note: Issue order copy on 10.06.2016

To

District Munsif, Arani

C.R.P(NPD)No.1277 of 2016