

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/2/2016

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

Civil Revision Petition No.518 of 2016

R.Sambandam	...	Petitioner
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Vs

Saraswathi ... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order passed in E.P.No.2725/2013 in O.S.No.5510 of 2007 dated 6/1/2016 on the file of IX Assistant City Civil Court, Chennai.

For Petitioner ... Mr.S.Kothandaraman

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ORDER

This Civil Revision Petition has been filed, against the fair and decreetal order, passed in E.P.No.2725/2013 in O.S.No.5510 of 2007, dated 6/1/2016, on the file of IX Assistant City Civil Court, Chennai.

2. Heard Mr.S.Kothandaraman for the petitioner.

3. The main point raised in this revision petition is regarding the period of limitation. The Court below has relied on the judgment of the Supreme Court in GANGADHAR Vs. RAJALINGAM {1995 (2) MLJ – 107} and held that Article 136 of the Limitation Act alone is applicable and since limitation is only twelve years, it is not barred by limitation.

4. The learned counsel appearing for the petitioner would submit that a portion of the building, which is sought to be demolished is the entire portion and not a part of the building, as described in the decree. This issue ought to have been raised before the Executing Court.

5. A perusal of the order of the Court below did not indicate that such a contention has been raised before the Court below.

6. Under such circumstances, the order passed by the Court

below does not suffer from any infirmity.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

25/2/2016

mvs.

Index: Yes/No

website: Yes/No

To

IX Assistant City Civil Court, Chennai.

S.VIMALA,J

mvs.

C.R.P.(NPD)No.518 of 2016

25/2/2016