

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.03.2016

CORAM

THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.846 of 2016
and
C.M.P.No.4702 of 2016

Janaki ... Petitioner

..Vs..

Devaki ... Respondent

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and Decretal orders of the learned District Munsif of Krishnagiri dated 18.02.2016 in E.A.No.80 of 2012 in E.P.No.12 of 2011 in O.S.No.91 of 2009.

For Petitioner : Mr.V.Nicholas

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ORDER

This Civil Revision Petition has been filed against the Fair and
decretal order of the learned District Munsif, Krishnagiri dated
18.02.2016 made in E.A.No.80 of 2012 in E.P.No.12 of 2011 in
O.S.No.91 of 2009.

2. The defendant in O.S.No.91 of 2009 is the revision petitioner and the plaintiff is the respondent.

2.1. The respondent/plaintiff herein has filed a suit in O.S.No.91 of 2009 seeking a relief of specific performance. The suit was decreed exparte on 23.08.2010. Subsequently, the Execution Petition in E.P.No.12 of 2011 was filed by the respondent herein seeking execution of the Sale deed.

2.2. Even after receipt of notice in the Execution Petition, the revision petitioner did not appeared before the Court and therefore the sale deed was executed by the Court.

2.3. Thereafter, the Execution Application in E.A.No.80 of 2012 has been taken out, seeking delivery of possession. Only at this point of time, the revision petitioner herein has filed an application in I.A.No.138 of 2011 for condoning the delay of 67 days in filing the application to set aside the exparte decree and the said application was also dismissed for non payment of cost by the revision petitioner.

Therefore, Court below has ordered delivery of possession by an order dated 18.02.2016 in E.A.No.80 of 2012.

2.2. The Court below in its order dated 18.02.2016, has considered the conduct of the revision petitioner at every stage. In paragraphs 7 and 8 of the order the lethargic attitude of the revision petitioner has been scrupulously considered.

2.3. Apart from considering the case of the revision petitioner, the Court below has made an observation that the revision petitioner has every right to file petition under Section 144 C.P.C. for restitution. It is clearly pointed out that no body can take advantage of their own mistake.

3. There is no illegality or impropriety or material irregularity in the order passed by the Court below and infact the order is reasonable and elegant. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

17.03.2016

Index : Yes/No
Internet: Yes/No
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S.VIMALA.J

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To

The District Munsif, Krishnagiri

CRP (NPD)No.846 of 2016

17.03.2016

03.07.2013