



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD).No.2606 of 2016 (NPD)

1.The State of Tamil Nadu,
through its District Collector,
Sivagangai, Sivagangai District.

2. Nattarasankottai Town Panchayat,
Through its Executive Officer,
Nattarasankotai,
Sivagangai District.

: Petitioners / Respondents 1&2/
Defendants 1 &2

Vs.

Sivagangai Devasthanam,
Through its Manager,
Sivagangai Town,
Sivagangai District.

: Respondent/ Petitioner/Plaintiff

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the petition order dated 23.02.2016 in E.P.No.24 of 2016 in O.S.No.75 of 2009 on the file of the District Munsif Court, Sivagangai.

For Petitioner : Mr. G. Muthukannan

O R D E R

This Civil Revision Petition is filed to to set aside the petition order dated 23.02.2016 in E.P.No.24 of 2016 in O.S.No.75 of 2009 on the file of the District Munsif Court, Sivagangai.

2. The petitioners are the defendants 1 and 2 / Judgmnet debtors and respondents in Execution Petition. The petitioners filed this Civil Revision to reject the Execution Petition, on the ground that it is not filed within a time limit prescribed under Section of 135 of Limitation Act.

3. According to the petitioners, the respondent decree holder obtained decree for mandatory injunction on 16.11.2011. As per the decree, the petitioners have to remove the superstructure and surrender the vacant possession to the respondent within three



months. The Execution Petition ought to have been filed on or before 16.11.2014. The respondent filed Execution Petition only on 22.07.2015. Therefore, the petitioners have come out with the present revision.

4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. From the records it is seen that as against the judgment and decree passed by the learned District Munsif, Sivagangai in O.S.No.75 of 2009 dated 24.04.2009, the petitioners filed an appeal in A.S.No.31 of 2012 on the file of the Sub Court, Sivagangai and the same was dismissed on 04.08.2014. Thereafter, the respondent filed E.P.No. 24 of 2016.

6. It is clear that the respondent filed an Execution Petition within a period two years from the date of Judgment and decree of the appellate Court, which confirmed the decree of the trial Court. Therefore, in my considered view, the execution petition was filed within time.

7. The Civil Revision Petition is not maintainable and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

trp

To

1 The District Munsif Court,
Sivagangai.

2 The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai

JAM/02.02.17/RR-BS/ 2p-3c

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