



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.1192 of 2011 (PD)

and

M.P(MD)No.1 of 2011

D.Thiagarajan

.. Petitioner

Vs.

1.S.Anuradha

2.Rita Bai

3.Gandhimathi

4.Sureshkumar

5.Saravanan

6.Devaki

7.Chinnayee @ Anuratha

.. Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the Order passed in E.A.No.83 of 2007 in E.P.No.53 of 2000 in O.S.No.154 of 1992 on the file of District Munsif, Thanjavur, dated 02.02.2011 and to allow the above C.R.P.

For Petitioner : M/S.Veerakathiravan, Senior Counsel
for Mr.C.Jegannathan

For R1 : Mr.G.Karnan

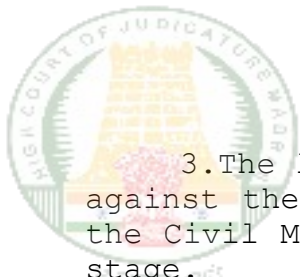
For R2 : Mr.V.Sasikumar

R3 to R7 : Given up

ORDER

This Civil Revision Petition has been filed to set aside the Order passed in E.A.No.83 of 2007 in E.P.No.53 of 2000 in O.S.No.154 of 1992 by the District Munsif, Thanjavur, dated 02.02.2011.

2.The petitioner, judgment debtor is second defendant in O.S.No.154 of 1992 on the file of the District Munsif, Thanjavur. The second respondent filed the suit for recovery of money. The said suit was decreed. After the decree, the second respondent filed E.P.No.53 of 2000 for sale of property in public auction for recovery of decretal amount. The sale was conducted on 10.11.2003 and the first respondent was the auction purchaser. She deposited the entire auction amount and sale was confirmed in favour of the first respondent. The second respondent also withdrawn the entire amount deposited by the first respondent in E.A.No.190 of 2007, dated 28.06.2007. The first respondent filed E.A.No.83 of 2007 for delivery of property purchased by her in Court auction. While the said E.A.No.83 of 2007 was pending, the petitioner herein filed E.A.No.72 of 2009 to set aside the auction sale. On 02.02.2011 the learned Judge adjourned the E.A.No.83 of 2007 to 02.03.2011 on the ground that the E..No.72 of 2009 is pending. The petitioner herein has filed the present Civil Revision Petition to set aside the order, dated 02.02.2011 adjourning the E.A.No.83 of 2007 to 02.03.2011.



3.The learned counsel appearing for the petitioner submitted that as against the order passed in E.A.No.83 of 2007, the petitioner has filed the Civil Miscellaneous Appeal and the same is pending in an un-numbered stage.

4.When matter is taken up for hearing, the learned counsel appearing for the petitioner and the respondents 1 & 2 submitted that already E.A.No.83 of 2007 was allowed on 28.06.2011 and delivery was also ordered and therefore, the Civil Revision Petition is become infructuous.

5.The Civil Revision Petition is filed challenging the order of adjournment passed by the learned District Munsif, Thanjavur, on 02.02.2011 adjourned the E.A.No.83 of 2007 to 02.03.2011. Now the said E.A.No.83 of 2007 was allowed and delivery was ordered. In the circumstances, the Civil Revision Petitions is dismissed as infructuous.

Sd/

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To
The District Munsif,
Thanjavur.

+1cc to M/S.V.Sasikumar, Advocate in SR.No.18730

+1cc to M/S.Veerakathiravan, Senior Counsel

for Mr.C.Jegannathan, Advocate in SR.No.18839

+1cc to M/S.G.Karnan, Advocate in SR.No.18777

C.R.P (MD) No.1192 of 2011 (PD)
04.04.2016

Am

PA/SK-SKN/26.04.2016/2P/5C