

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) Nos. 1241 & 1242 of 2017
and
C.M.P Nos. 5865 & 5866 of 2017

Abdul Rahman (Died)
rep. By his L.Rs

1. A.Kairunisa
2. Haja Mohideen
3. Mohamed Ibrahim
4. Noorjahan

...Petitioners in CRP 1241/2017

1. Ramiza Bivi

... Petitioner in CRP 1242/2017

vs.

Mohammed Yassin

...Respondent in both CRPs

PRAYER IN BOTH CRPs : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal orders dated 27.02.2017 in E.A. Nos. 522 of 2016 in E.P. No.76 of 2016 in O.S. No.761 of 1996 and in E.A. Nos. 523 of 2016 in E.P. No.59 of 2016 in O.S. No.760 of 1996 on the file of the Additional Sub Court, Puducherry.

For Petitioners Mr. Sai Krishnan
in both CRPs : for M/s. Sai Bharath and Ilan

For Respondent
in both CRPs : Mr. V. Raghavachari

COMMON ORDER

This Civil Revision Petition arises against the fair and decreetal orders dated 27.02.2017 in E.A. Nos. 522 of 2016 in E.P. No.76 of 2016 in O.S. No.761 of 1996 and in E.A. Nos. 523 of 2016 in E.P. No.59 of 2016 in O.S. No.760 of 1996 on the file of the Additional Sub Court, Puducherry.

2. Learned counsel for the petitioners submitted that the respondent has filed the suits in O.S. Nos. 760 and 761 of 1996 for declaration. The suits were decreed in favour of the respondent on 24.06.1998. Against the same, the petitioners filed appeal in A.S. Nos. 20 & 21 of 1999. Learned III Additional District Judge, Pondicherry dismissed the appeal on 17.06.1999. Aggrieved by the same, the petitioners preferred a second appeal before this Court in S.A. Nos.1106 & 1107 of 1999 and the same was allowed. Again which the respondent filed Civil Appeals No. 2261 & 2262 of 2012 before the Hon'ble Supreme Court and

the same were allowed. The respondent also initiated execution proceedings. The petitioners filed applications to refer the matter for mediation to negotiate for proper settlement in E.A. Nos. 522 and 523 of 2016. The Additional Sub Court, Puducherry dismissed both the applications as the respondent/ decree holder was not willing to compromise, since he has already obtained the decree of declaration and delivery of possession of the suit property. Challenging the same, the petitioners have filed these revision petitions.

3. During the last hearing, learned counsel for the petitioners submitted that an affidavit would be submitted by the petitioners, undertaking to vacate the premises, within a period of six months. Today, learned counsel for the petitioners have filed the Undertaking Affidavits of all the petitioners, stating that they unconditionally undertake to vacate and handover the possession of the E.P. Schedule mentioned property, within a period of six months, from 25.04.2017. The Undertaking Affidavits dated 25.04.2017 filed by the petitioners shall form part of the records.

4. Learned counsel for the respondent has no objection in

accepting the said undertaking and permit the petitioners to continue in the premises for a period of six months from 25.04.2017.

5. Recording the undertaking affidavits dated 25.04.2017 filed by the petitioners, these Civil Revision Petitions are disposed. Consequently, the Connected Miscellaneous Petitions are closed. No order as to costs.

25.04.2017

Index : yes / no

Speaking Order/ Non speaking order

avr

To

The Additional Sub Court,
Puducherry

D.KRISHNAKUMAR, J.

avr

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