

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P (NPD) No.1411 of 2017
and
Caveat No. 1195 of 2016
and
C.M.P No.6545 of 2017

1. Dallas
2. Pappa
3. Dhayala Mary
4. Vimala
5. Allen David

... Petitioners

VS.

A.S. Rani Clamantia

... Respondent/
Caveator

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 11.03.2016 passed in I.A. No.447 /2015 in A.S. No.20 of 2015 on the file of Hon'ble Additional District Judge, Chengalpattu.

For Petitioners : Mr. D. Senthil Kumar

For respondent : Mr. A.R. Nixon

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 11.03.2016 passed in I.A. No.447 /2015 in A.S. No.20 of 2015 on the file of Hon'ble Additional District Judge, Chengalpattu.

2. According to the petitioners, the petitioners herein have filed a stay application in I.A. No. 447/2015 along with the Appeal Suit in A.S. No. 20 of 2015. The aforesaid application was dismissed on 11.03.2016. The respondent filed O.S. No. 220/2009 and the same was decreed in favour of the respondent. Hence, the respondent filed execution proceedings in E.P. No.147/2015 in O.S. No. 220/2009. Against the order dated 28.02.2017 passed in E.P. No.147/2015, the petitioner filed a Civil Revision Petition in CRP (NPD) No.1088 of 2017 before this Court. Considering the fact that the petitioners have not chosen to file any revision against the dismissal order dated 11.03.2017 passed by the Appellate Court in I.A. No. 447 of 2015, the said CRP (NPD) No.1088 of 2017 was dismissed by this Court. After dismissal of the said civil revision petition, the petitioner has filed the present C.R.P before this Court.

3. As submitted by learned counsel for the petitioners during the last hearing, today, the 4th petitioner has filed an undertaking affidavit before this Court, stating that the petitioners would obey the judgement and decree to be passed by the learned Additional Court of Chengalpattu in A.S. No.20/2015 and if the respondent succeeds in the said appeal, they will not obstruct or interfere with the execution of the decree.

4. Learned counsel for the respondent has no objection in recording the undertaking affidavit filed by the 4th petitioner.

5. Heard learned counsel for both the parties and perused the material available on record.

6. Learned counsel for both the parties submitted that the arguments have been completed and the matter is posted for judgment on 06.06.2017. Till the judgment is passed in the appeal, there shall be an order of status quo, to be maintained by both the parties, as per the undertaking affidavit.

7. In the light of the above said facts and recording the

undertaking affidavit filed by the 4th petitioner, the order dated 11.03.2016 passed in I.A. No.447 /2015 in A.S. No.20 of 2015 on the file of Hon'ble Additional District Judge, Chengalpattu is set aside and the Civil Revision Petition is allowed. Consequently, the Connected Miscellaneous Petition is closed. No order as to costs.

20.04.2017

Index : yes / no

Speaking order/ Non-speaking order

[Issue order copy within one week]

avr

To

The Additional District Judge,
Chengalpattu.

D.KRISHNAKUMAR, J.

avr

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