

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(NPD).No.4187 of 2017

and

CMP.No.19624 of 2017

Eric Andre

..Petitioner

Vs.

1.Alliance Francaise De Pondicherry,
a society registered under Societies
Registration Act,
Rep. by its President

2.Yvonne Andre

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of the Civil Procedure Code to set aside the Fair and Decretal order dated 14.07.2017 passed in E.A.No.59 of 2016 in R.C.E.P.No.3 of 2012 in H.R.C.O.P.No.20 of 2002, on the file of the Rent Controller-I, at Pondicherry, by allowing this Civil Revision Petition.

For petitioner : Mr.W.M.Abdul Majeed
for M/s.G.Sumitra

ORDER

According to the revision petitioner, the first respondent society has filed a petition in HRCOP.No.20 of 2002 for order of eviction against the second respondent, which was decreed. Subsequently, an execution petition in RCEP.No.3 of 2012 was filed to execute the decree. In the above EP, the first respondent / decree holder has filed an application in EA.No.59 of 2016 to implead the proposed party / the revision petitioner as the second respondent in the above EP. When the matter was taken up for hearing before the trial court on 14.07.2017, based on the endorsement made by the first respondent herein, the application was dismissed as not pressed with liberty to file a fresh petition by including the other legal heirs as stated in the counter affidavit. Challenging the same, the proposed respondent has filed the present Civil Revision Petition before this Court.

2. According to the revision petitioner, the EP is still pending. Therefore, the revision petitioner has filed the present Civil Revision Petition.

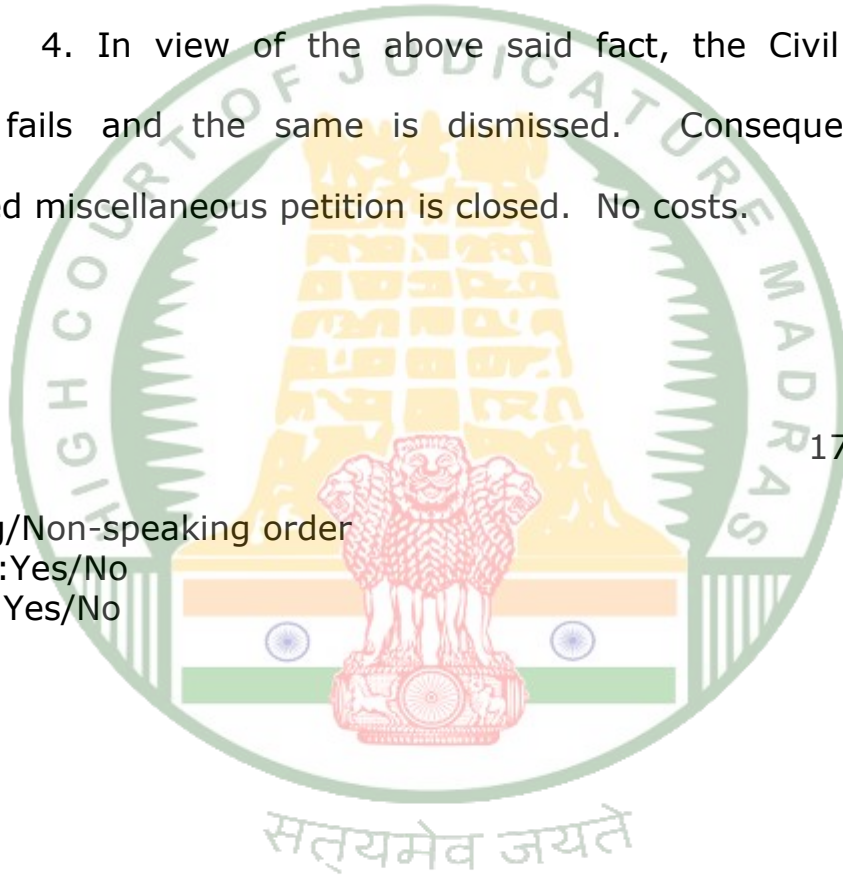
3. Firstly, the revision petitioner is a third party in the said EP. Further, the revision petitioner has not been impleaded as

party in the said EP. Secondly, the aforesaid application in EP.No.3 of 2012 has been dismissed as withdrawn on the ground the first respondent / decree holder wanted to file a fresh petition impleading the other legal heirs in the aforesaid EP.

4. In view of the above said fact, the Civil Revision Petition fails and the same is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

17.11.2017

Speaking/Non-speaking order
Index :Yes/No
Internet:Yes/No
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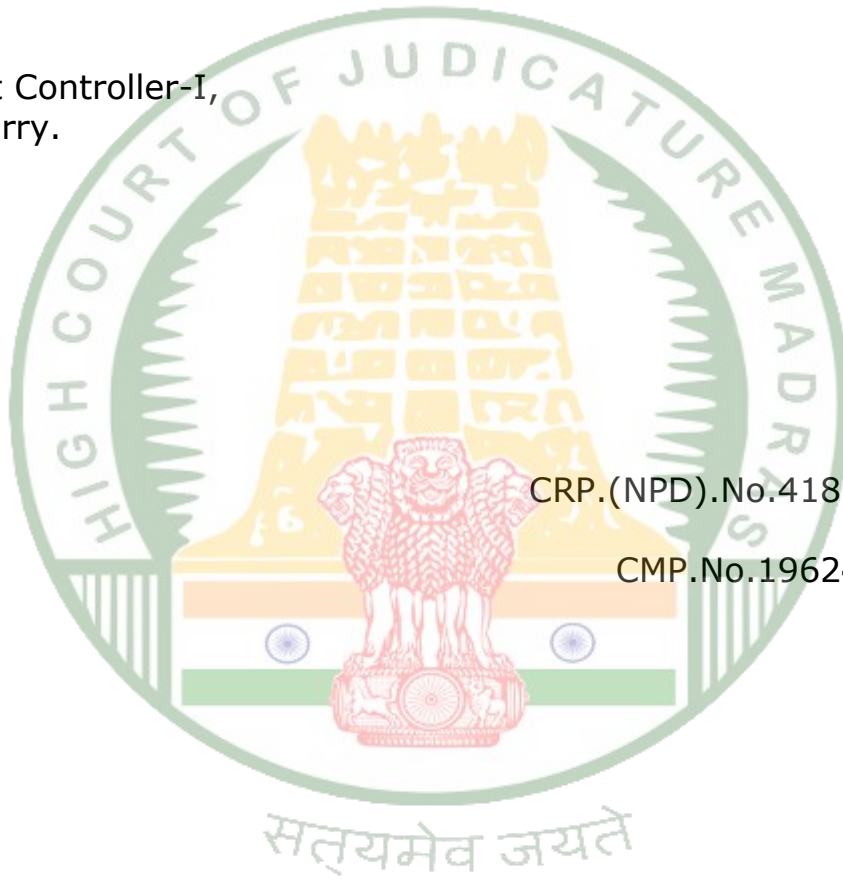


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D.KRISHNAKUMAR. J,

lok

To
The Rent Controller-I,
Pondicherry.



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