

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 14.09.2017****CORAM:****THE HONOURABLE MR.JUSTICE M.GOVINDARAJ****CRP (NPD) NO.3747 of 2016**
and CMP No. 19062 of 2016

Dhanalakshmi ... Petitioner

versus

Ravi Vish ... Respondent

PRAYER: Civil Revision Petition has filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned X Judge, Small Causes Court, Chennai in EA.SR.No. 13415 of 2016 in E.P.No. 210 of 2016 in RCOP No. 2052 of 2009 dated 20.07.2016.

For Petitioner : Mr.R.S.Anhamuthu
For Respondent : Mr.M.Aravind Subramanian

ORDER

This Civil Revision Petition is filed against the dismissal of the execution application filed under Section 47 of the Civil Procedure Code.

2. The tenant is the revision petitioner. According to her, the respondent / landlord filed RCOP No.2052 of 2009 for eviction on the grounds of willful default. According to the revision petitioner, the

above RCOP was filed claiming the differential amount between the fair rent and the agreed rent. The said Rent Control Original Petition was allowed and the revision petitioner/tenant was directed to hand over vacant possession. Against which, the revision petitioner has preferred an appeal, which was dismissed for default, and against which, no further action was taken. The respondent / landlord has filed an execution petition for delivery of vacant possession. According to the revision petitioner, she has already preferred a Civil Suit before this Court against the recovery of money claimed by the respondent / landlord. Therefore, the decree is null and void.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is clearly admitted by the learned counsel appearing for the revision petitioner that eviction was ordered by the Rent Controller and the appeal preferred by him has been dismissed. As of today, the decree of eviction has become final. When the decree holder seeks to execute the decree, the revision petitioner has filed the above application under Section 47 of the Civil Procedure Code stating that the decree is a nullity and not enforceable.

5. From the perusal of the materials available before me,

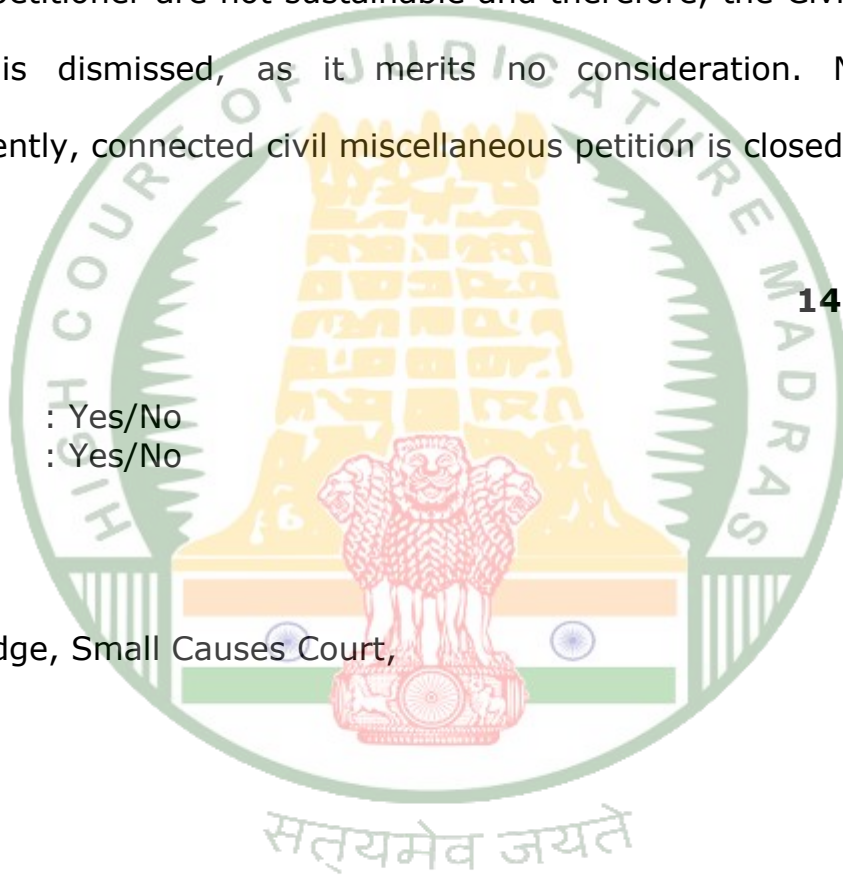
I do not find any valid ground raised by the revision petitioner for interfering with the proceedings of the Execution Court. As long as the decree continues to be legal, it shall be executed and the Execution Court cannot go behind the decree. The grounds raised by the revision petitioner are not sustainable and therefore, the Civil Revision Petition is dismissed, as it merits no consideration. No costs. Consequently, connected civil miscellaneous petition is closed.

14.09.2017

Index : Yes/No
Internet : Yes/No
bsm

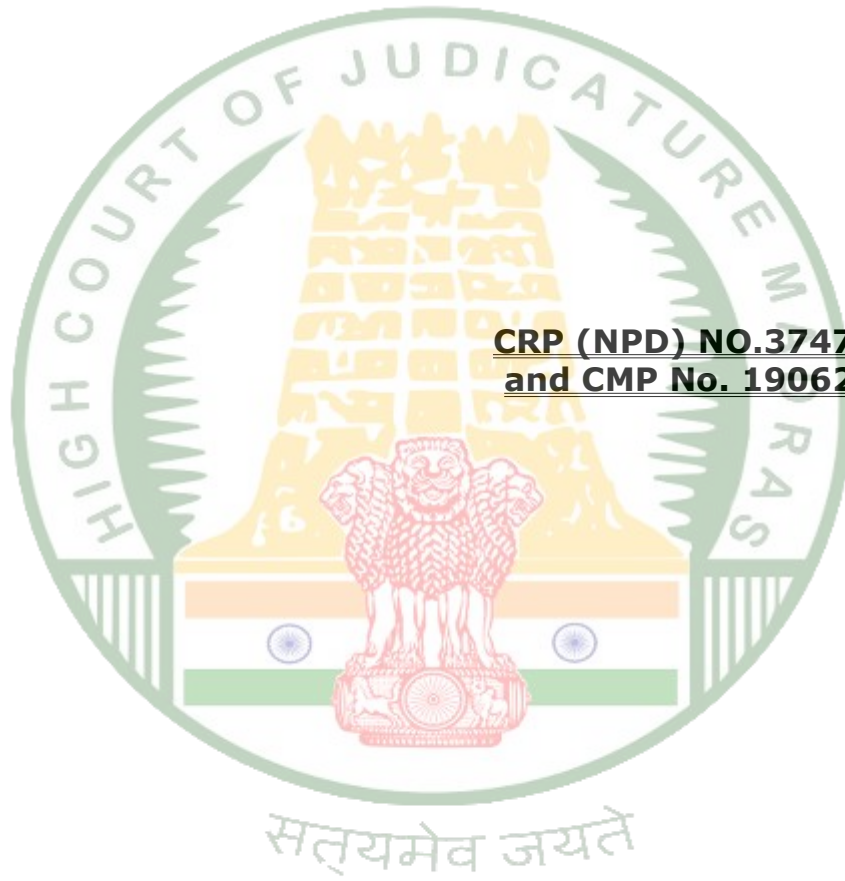
To

The X Judge, Small Causes Court,
Chennai.



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M.GOVINDARAJ, J.



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