

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P.(NPD).No.604 of 2016

and

C.M.P.Nos.3211, 5575 & 7374 of 2016

Dr.T.B.Mathan (since deceased)

Lakshmi (since deceased)

Dr.A.Manian (since deceased)

1.M.Krishnakumar

2.Prema

..Judgment debtors 10, 11/Petitioners

3.Rajeswari

4.Revathi

5.Vanaja

6.Gowri

7.Geetha

..Judgment debtors 5,6,7,8,9/Petitioners

-Vs.-

1.Rangammal

V.Mathiah (since deceased)

2.M.Chandra Sekaran

..Decree holders/Respondents

3.G.Raman

..Judgment debtor 4/Respondent

4.Malathi

..Judgment debtor 12/Respondent

Prayer:

Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 10.02.2016 in E.P.No.71 of 2005 in O.S.No.282 of 1996 on the file of the Subordinate Judge of Nilgiris at Uthagamandalam.

For Petitioners : Ms.Asha
for M/s.Sarvabhauman Associates

For Respondents : Ms.R.Anitha, for R1 and R2

R3 - Given up

R4 - No Appearance

ORDER

The present Civil Revision Petition has been filed challenging the fair and decreetal order dated 10.02.2016 in E.P.No.71 of 2005 in O.S.No.282 of 1996 on the file of the Subordinate Judge of Nilgiris at Uthagamandalam.

2. Heard the learned counsel appearing on either side.

3. The learned counsel appearing for the respondents 1 and 2 would submit that the delivery has been ordered as early as 24.02.2016 and challenging the same, a Civil Revision Petition came to be preferred in CRP (NPD) SR.No.88625/2016 along with a petition for condonation of delay of 189 days in C.M.P.No.20104/2016. The said Civil Revision Petition came to be dismissed by this Court on 03.01.2017 and hence, the order of delivery has been confirmed. In view of the same, the present Civil Revision Petition has become infructuous and hence, the learned counsel appearing for the respondent prayed for dismissal.

4. Considering the rival submissions made by both sides, it would be appropriate to incorporate the order passed by the Trial Court on 10.02.2016 and 24.02.2016.

10.02.2016

To produce the copy of the order. CRP order copy produced.

On petition by the respondent side time to vacate the property. Call on 24.02.2016.

24.02.2016

To vacate the property. Petitioner counsel represents that the possession of the property not handed over to the D.Hr. Respondent has failed to vacate the premises as per the petition dated 10.02.2016 filed by them. In the result, O21 R35 petition is allowed. Delivery of possession call on 17.03.2016.

5. At this juncture, it would also be appropriate to incorporate the prayer sought for in this revision.

“Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 10.02.2016 in E.P.No.71 of 2005 in O.S.No.282 of 1996 on the file of the Subordinate Judge of Nilgiris at Uthagamandalam.”

6. Challenging the order of Trial Court dated 24.02.2016, a Civil Revision Petition came to be preferred in CRP (NPD) SR.No.88625/2016 along with a petition for condonation of delay of 189 days in C.M.P.No.20104/2016. However, this Court by an order dated 03.01.2017 had dismissed the said C.M.P.No.20104/2016 and consequently, the Civil Revision Petition is rejected.

7. In these circumstances, I am of the considered view that after 10.02.2016 i.e., on 24.02.2016 when a final order has been passed and the Civil Revision Petition filed against the said order was also dismissed, then nothing survives in this Civil Revision Petition as delivery had already been ordered. Hence, the present Civil Revision Petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. No costs.

27.02.2017

pgp

Index : Yes / No

R.MALA, J.

pgp

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