



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANIC.R.P(MD)No.179 of 2017 (PD) and
CMP(MD).No.790 of 2017

- 1.Kanniappan
- 2.Saravanan
- 3.Jeyamurugan

.. Petitioners/Petitioners/3rd Parties

Vs.

- 1.M.Damodaran
- 2.M.Radhakrishnan
- 3.M.Irulan
- 4.T.Suriyaraj
- 5.L.Shanmugakani
- 6.G.Devakani
- 7.Shanmugasundari
- 8.R.Alagumuthu
- 9.S.Thillairajan
- 10.S.Esakkiammal
- 11.S.Thangamuthu
- 12.Ramasamy
- 13.M.Tharmapaul
- 14.T.Jeyapandi

...Respondents 1 to 7/Petitioners/Plaintiffs

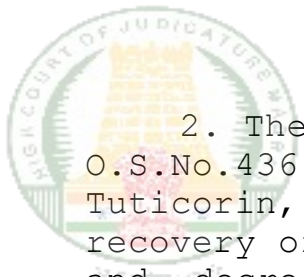
...Respondents 8 to 14/Respondents 8 to 14/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the docket order dated 11.01.2017, made in un numbered E.A.No. Of 2016 in E.P.No.270 of 2004 in O.S.No.436 of 1999 on the file of the District Munsif Court, Tuticorin.

For Petitioner : Mr.A. Arumugam
For M/s.Ajmal Associates

ORDER

The petitioner has filed this Civil Revision Petition against the docket order dated 11.01.2017, made in un numbered E.A.No. Of 2016 in E.P.No.270 of 2004 in O.S.No.436 of 1999 on the file of the District Munsif Court, Tuticorin.



2. The respondents 1 to 7 who are the plaintiffs filed suit in O.S.No.436 of 1999 on the file of the District Munsif Court, Tuticorin, against the respondents 8 to 14 for declaration and recovery of possession. The said suit was decreed by the Judgment and decree dated 18.06.2003. The respondents 1 to 7 filed Execution Petition in E.P.No.270 of 2004 for delivery of possession. The petitioners filed an application under Order 21 Rule 97 and 99 of CPC to stop the delivery in the Execution Petition. The learned Judge returned the said application raising quarries, as to how the application is maintainable, after 12 years of decree and directed the petitioner to file documents to support their claim of ownership. The petitioner represented the same stating that they received information under Right to Information Act only on 29.02.2016 and the property is their ancestral property and it is Natham land. Again the learned Judge returned the application, directing the petitioner to file documents and comply the other returns. The petitioner represented the application making the same statement. Again it was returned.

3. Against that return, present Civil Revision Petition has been filed.

4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. From the materials on record it is seen that the petitioners are claiming ownership of the property. The learned Judge returned the application, directing the petitioners to file document to substantiate their claim that they are the owners of the property. The petitioners without filing any document represented the same. The contention raised by the learned counsel for the petitioners is that all the property is ancestral property and therefore, documents are not available is untenable. In the circumstances, there is no error in the return of application, by the learned Judge.

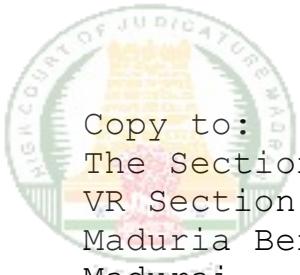
6. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. It is open to the petitioners to file the documents to substantiate their case and comply with the return of the learned Judge.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar



Copy to:
The Section Officer,
VR Section,
Maduria Bench of Madras High Court,
Madurai.

WEB COPY

+1cc to Mr.Ajmal Associates,Sr No.4673

C.R.P (MD) No.179 of 2017 (PD) and
CMP (MD) .No.790 of 2017
27.01.2017

TRP
AAM/RSK/SAR1/20.02.2017/3P.4C