

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).No.3039 of 2013

and

M.P.No.1 of 2013

Valliammal

.. Petitioner

..Vs..

K.Subramaniya Mudaliar (died)

1.Saroja Ammal

2.Logeswari @ Sumathi

3.Mani

4.Mala

5.Venkatesan

6.Santhi

7.Loganayagi

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and order dated 06.07.2013 made in E.P.No.26 of 2012 in O.S.No.38 of 1996 on the file of the Principal District Munsif, Ambur, Vellore District.

For Petitioner : Mr.J.Prakasam

For Respondents 1 & 2 : Mr.Arun Anbumani

Respondent 3 to 7 given up

ORDER

The instant revision has been filed challenging the order dated 06.07.2013 passed in E.P.No.26 of 2012 in O.S.No.38 of 1996 on the file of the Principal District Munsif, Ambur, Vellore District, by which, the Executing Court ordered delivery of possession to the respondents, pursuant to a decree dated 09.09.2005 passed in their favour in O.S.No.38 of 1996.

2. The learned counsel for the respondents 1 and 2 submits that even before filing of the instant Civil Revision Petition by the petitioner, delivery was taken by the respondents from the bailiff for which, he drew the attention of this Court to the delivery warrant dated 11.07.2013 which was filed as a document in the typed set of papers filed by the respondents before this Court.

3. As seen from the delivery warrant, the possession of the suit schedule property was taken by the respondents from the bailiff, pursuant to the decree dated 17.07.2013. The instant revision was filed on 12.08.2013 and the interim stay was granted on 14.08.2013.

Therefore, as seen from the records, even before filing of the instant Civil Revision Petition, the possession was handed over to the respondents by the bailiff in accordance with the Judgment and decree dated 09.09.2005 passed in favour of the respondents in O.S.No.38 of 1996. Therefore, the instant Civil Revision Petition became infructuous even at the time of filing of the same before this Court.

4. In such circumstances, this Court dismisses the Civil Revision Petition as infructuous. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

20.11.2018

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Index:Yes/No

Internet:Yes/No

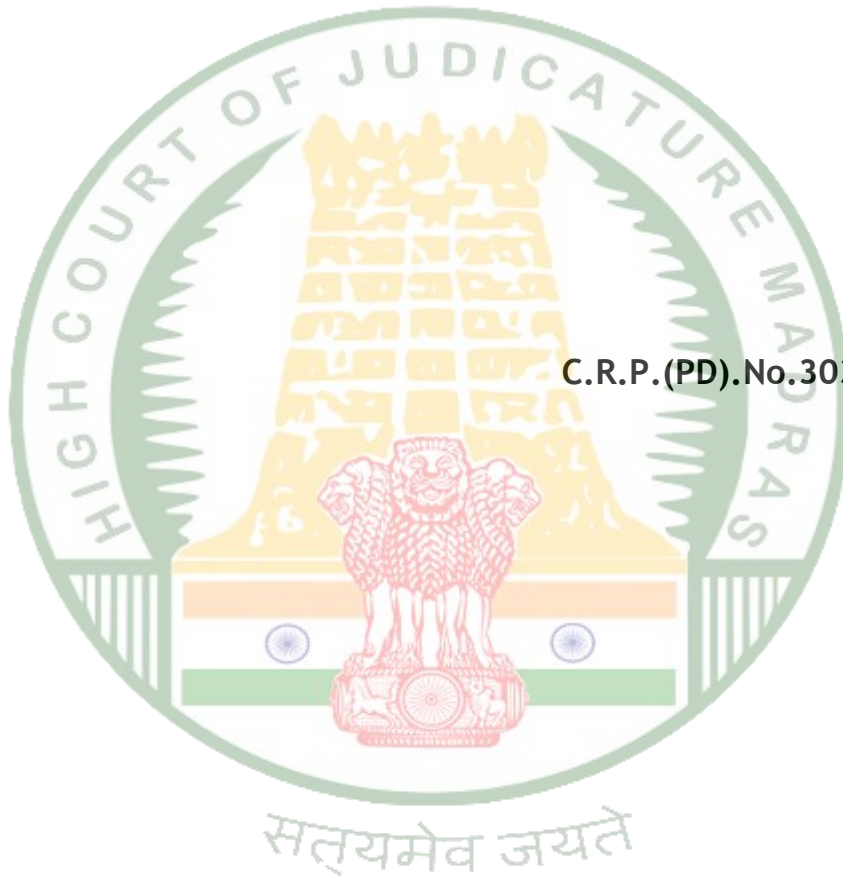
Speaking/Non-Speaking orders

To

The Principal District Munsif,
Ambur, Vellore District

ABDUL QUDDHOSE, J.

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