

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP(NPD) No.4664 of 2017 and
C.M.P.No.21983 of 2017

Sivalingam

... Petitioner

Vs.

Gouse Mohideen

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order passed in E.A.No.62 of 2014 in E.P.No.51 of 2011 in O.S.No.257 of 1998 on the file of the Subordinate Judge, Vellore District, dated 29.11.2016.

For Petitioner : Mr.Sivalingam
Party in Person

For Sole Respondent: Mr.R. Sankarappan

ORDER

The respondent has filed the suit in O.S.No.257 of 2017 against the revision petitioner. Subsequently, he got decree and thereafter, the petitioner went upto the Supreme Court and SLP was also dismissed and the judgment and decree passed by the Wakf Tribunal (Sub Court), Vellore, dated 17.02.2011 was confirmed. Thereafter, the respondent filed an Execution Petition. In which the revision petitioner filed an application under Order 47 of Civil Procedure Code and the same was dismissed by the executing Court, against which, the petitioner has preferred the present revision.

2. The learned counsel for the respondent would submit that after the dismissal of the application under Section 47 CPC on 29.11.2016, the executing court passed an order for delivery and delivery was also effected and the execution proceedings were terminated on 18.07.2017. The petitioner has also admitted that he handed over the possession to the respondent who has also taken delivery of the possession based on the order passed by the executing Court in E.A.No.62 of 2014 in E.P.No.51 of 2011 in O.S.No.257 of 1998 on 29.11.2016. This revision petition is filed on 09.11.2017 after the termination of the Execution Petition itself. Therefore,

already the delivery was effected as per the undertaking given by the petitioner before the Supreme Court. Therefore, there is no merit in the order passed by the Subordinate Judge, Vellore, dated 29.11.2016 impugned in this revision petition. Hence, the revision petition is liable to be dismissed as infructuous.

3. In the result, the Civil Revision Petition is dismissed as having become infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

To

The Subordinate Judge,
Vellore District.

+1cc to Mr.M.Sivalingam, Advocate SR.NO.44329
+1cc to Mr.R.Sankarappan, Advocate SR.NO.43588

SS(CO)
sm:27.8.2018

CRP(NPD) No.4664 of 2017

सत्यमेव जयते

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