

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM:

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

C.R.P.No.1392 of 2010  
and  
M.P.No.1 of 2010

Adrine Mariapragasam ... Petitioner  
..Vs..  
M.Varghese ... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decretal order of the learned XIII Judge, Court of Small Causes, Chennai in E.A.No.9 of 2008 in M.P.142 of 2008 in E.P.127 of 2008 in R.C.O.P.374 of 2007 dated 18.09.2009.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Not ready in notice  
regarding sole respondent

**ORDER**

The above Civil Revision Petition arises out of a Common Order dated 25.08.2008 in M.P.Nos.140, 141 and 142 of 2008 in E.P.No.127 of 2008 in R.C.O.P.374 of 2007 by the learned XIII Judge, Court of Small Causes, Chennai.

2.The present revision relates to the order in M.P.No.142 of 2008, which has been filed for redelivery of the petition schedule property to the judgment debtor/tenant. All the three applications were allowed by this Common Order as against which, C.R.P.Nos.3226 and 3227 of 2009 and 1392 of 2010, respectively, came to be filed. C.R.P.(NPD).Nos.3226 and 3227 of 2009 have been allowed by an order of this Court dated 17.07.2017, in and by which, the following orders have been passed:

*"In view of the admitted fact that no opportunity was given to the petitioner, both the Civil Revision Petitions are allowed setting aside the order dated 25.08.2008 passed in M.P.Nos.144 & 142 of 2008. The learned Judge is directed to re-hear M.P.Nos.144 & 142 of 2008 afresh, after giving ample opportunities to both the parties and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order."*

3.Considering the fact that the present revision arises out of this Common Order, the same order would enure to this revision as well.

In the result, the Civil Revision Petition is allowed. The learned XIII Judge, Court of Small Causes, Chennai, is directed to re-hear M.P.No.142 of 2008 afresh, after giving opportunities to both the parties within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

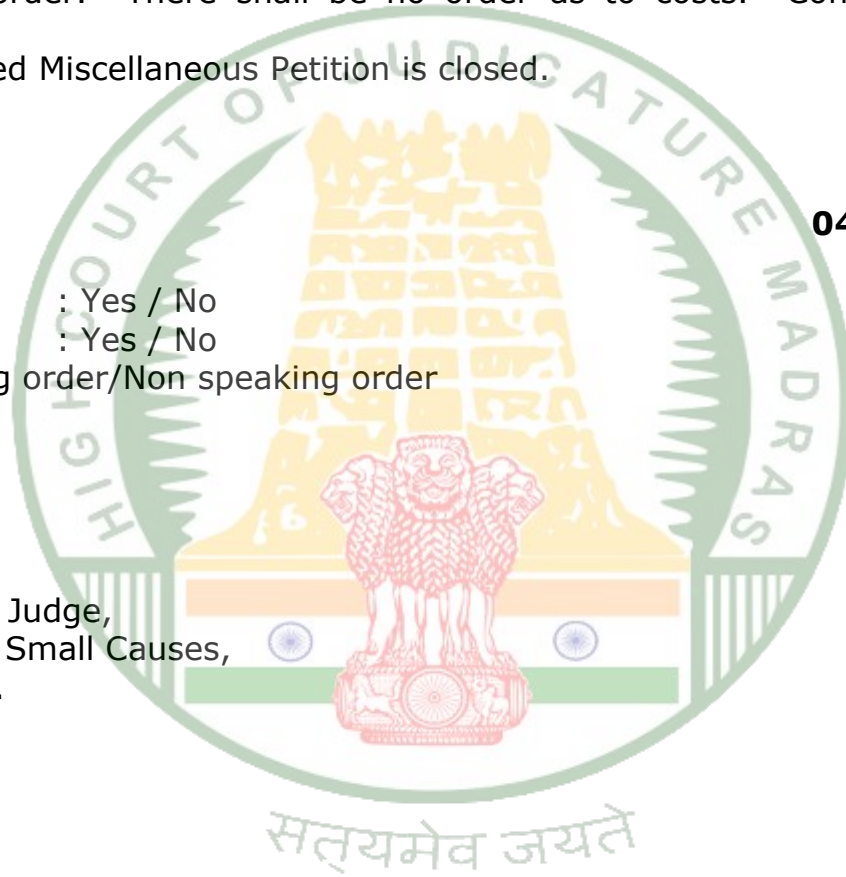
**04.07.2018**

Index : Yes / No  
Internet : Yes / No  
Speaking order/Non speaking order

mps

To

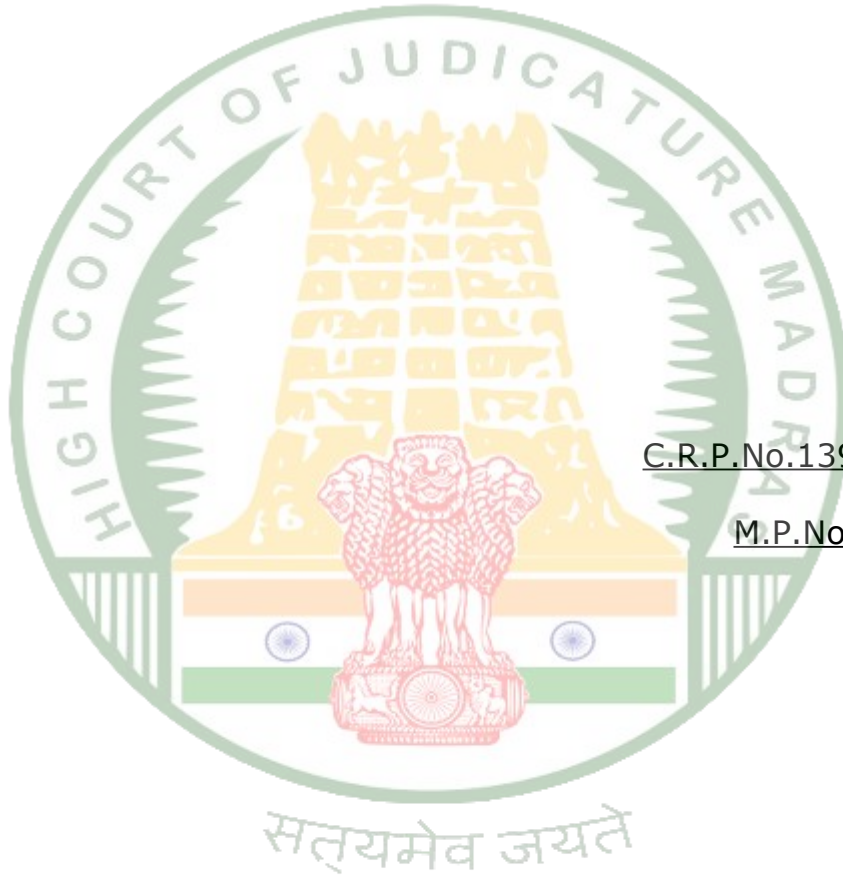
The XIII Judge,  
Court of Small Causes,  
Chennai.



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**P.T. ASHA J ,**

mps



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