



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (NPD) (MD) No.1748 of 2017
and
C.M.P (MD) No.9442 of 2017

K.Leela

...Revision Petitioner/Respondent/
Defendant

Vs.

A.Ravikumar

... Respondent/Petitioner/Plaintiff

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code to call for the records and set aside the fair and decretal order made in E.P.No.7 of 2016 in O.S.No.132 of 2008 on the file of the Learned Sub Court, Periyakulam, dated 10.07.2017.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.S.M.A.Jinnah

O R D E R

The petitioner, who is the defendant in the suit in O.S.No.132 of 2008 suffered a decree, dated 07.10.2010.

2.Admittedly, the petitioner has not challenged the decree, dated 07.10.2010.

3.When the respondent, who is the plaintiff has filed a E.P.No.7 of 2016 for execution of the decree in O.S.No.132 of 2008, dated 07.10.2010, the respondent makes a claim saying that the Executing Court without looked into the decree passed in O.S.No.132 of 2008, based on the petition filed by the petitioner in E.P.No.7 of 2016, ordered delivery on 10.07.2017.

4.Heard the learned counsel for the petitioner as well as the respondent.

5.Admittedly, the Executing Court should not go beyond the limit of the decree in O.S.No.132 of 2008 and the Executing Court must have passed delivery order in respect of the decree in O.S.No.132 of 2008, dated 07.10.2010. Therefore, the trial Court is directed to deliver the property as per the decree in O.S.No.132 of 2008, dated 07.10.2010.



6. With the above observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

The Subordinate Judge,
Periyakulam.

+One cc to Mr. R. Shankar Ganesh, Advocate, SR.No.59781

+One cc to Mr. S. M. A. Jinnah, Advocate, SR.No.59681

am

RL/4C/2P/JC/SAR2/16/4/2018

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