



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (NPD) (MD)No.2447 of 2017

and

C.M.P. (MD)No.11585 of 2017

1.Vyakulam

C.Rama Chandran (Died)

2.Manjula Devi (Minor)

3.Sasikala (Minor)

4.Balamurugan (Minor)

...Petitioner/ Respondents 1 to 4/Defendants 1 to 4

[Minors 2 to 4 are represented

by their guardian 1st petitioner as per the order
in I.A.No.1701 of 1979 dated 24.10.1979]

Vs.

Kamalammal Nadathy (Died)

1.John Mary

2.Joseph Rajan

...Respondents / Petitioners 1 & 2 /Plaintiffs 2 & 3

PRAYER:- Petition filed under Section 115 of the Civil Procedure Code to set aside the fair and decreetal order in E.P.No.118 of 1983 in O.S.No.485 of 1979 dated 02.08.2017 on the file of the Principal District Munsif, Kuzhithurai, Kanyakumari District.

For Petitioners : Mr.S.Saji Bino

For Respondents : Mr.C.Godwin (for caveator)

ORDER

Assailing over the order passed by the learned Principal District Munsif, Kuzhithurai, Kanyakumari District, in E.P.No.118 of 1983 in O.S.No.485 of 1979 dated 02.08.2017, the present Civil Revision Petition is filed.

2. The petitioners/defendants would submit that the suit in O.S.No.485 of 1979 was filed by the respondents/plaintiffs for declaration and the same was decreed on 31.01.1981, which was subsequently modified at the first appellate stage. Based on the decree, the respondents/decreed holders have filed E.P.No.118 of 1983 and the same was ordered on 02.08.2017, which is impugned in the present revision.



3. When the matter came up for admission, this Court was not inclined to admit the revision or to grant interim order and therefore, the learned counsel for the petitioners prayed time for vacating the premises, for which, learned counsel for the respondents did not have any objection.

4. The learned Counsel for the petitioners would submit that challenging the fair and decreetal order, second appeals have been preferred and the same are pending before this Court. Now, they have filed an undertaking affidavit dated 16.12.2017, before this Court, undertaking that they would vacate the premises and hand over the vacant possession to the respondents within a period of six months.

5. In view of the undertaking affidavit, the petitioners are directed to vacate the premises and hand over vacant possession to the respondents on or before 30.06.2018. Till such time, the petitioners shall pay the monthly rent on or before 5th of every English calendar month.

6. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
The Principal District Munsif,
Kuzhithurai,
Kanyakumari District.

+1CC to Mr.C.Godwin, Advocate, SR.No. 54738

C.R.P (NPD) (MD) No.2447 of 2017
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