



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (NPD) (MD)No.469 of 2017
and
CMP (MD)No.2273 of 2017

Ramayammal (died)

1.P.Natchimuthu

2.P.Manikandan

3.Kaliyammal ... Petitioners/Respondents/Defendants

Vs.

R.Pandiraj ... Respondent/Petitioner/Plaintiff

Prayer : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to call for the records pertaining to the fair and decretal order dated 28.11.2016 in E.P No.84 of 2011 in O.S No.605 of 2000 on the file of the Principal District Munsif Court, Dindigul and set aside the same.

For Petitioners	: Mr.H.Lakshmi Shankar
For Respondent	: No appearance

ORDER

The defendants in O.S No.605 of 2000 on the file of the Principal District Munsif, Dindigul are the revision petitioners herein. It is a suit for mandatory injunction. After satisfying the decree which was confirmed upto Second Appeal, the defendants/judgment debtors on their own removed the pipes in question. Thus, there is no need or necessity for putting the decree to execution as it was already complied with. In fact, an Advocate Commissioner was appointed in the E.P and he has filed a report stating that there is no offending pipelines in existence. Even though these aspects were very much placed for consideration before the the court below, the executing court has chosen to order delivery.

2.This Court records the submission made by the learned counsel appearing for the revision petitioners that the decree has already been satisfied and there is nothing to execute. In view of the aforesaid submission made by the learned counsel appearing for the



revision petitioners, the order impugned in this civil revision petition is set aside. E.P.No.84 of 2011 in O.S No.605 of 2000 is closed in view of the satisfaction of the decree.

3.This Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Principal District Munsif,
Dindigul.

- 1 CC TO Mr.H.LAKSHMI SHANKAR , ADVOCATE IN SR No.87414.
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- SKM
- DS PM SAR3 26 12 2018 2P 3C

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