



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) No.953 of 2017 and

C.M.P. (MD) No.4220 of 2017

WEB COPY

Vijayakumari

... Revision Petitioner/
2nd Respondent/2nd Respondent

Vs.

Ameerjan

... Respondent/Petitioner/
Petitioner

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order dated 27.03.2017 passed in E.P.No.1 of 2016 in P.No.13 of 2014 by the Revenue Court/Special Deputy Collector, Thanjavur.

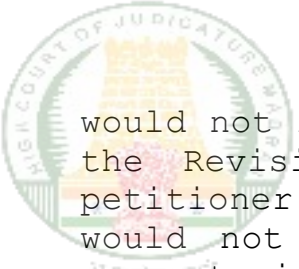
For Petitioner	: Mr.M.P.Senthil
For Respondent	: Mr.S.Parthasarathy, Senior Counsel, for Mr.S.I.Muthiah

O R D E R

The property in question belongs to one Ameerjan. It was under the cultivation of one Dharmaraj. The said Dharmaraj passed away thereafter. His wife Vijayakumari has been cultivating the lands in question. The landlady moved the Revenue Court and obtained an order 18.12.2015, directing the cultivating tenant to pay a sum of Rs.5,88,000/- for 3 Faslies. Since the payment order was not complied with, an order was passed on 15.04.2016, directing eviction of the petitioner. The orders passed for payment of the Fasli amount were put into execution. The Executing Court passed the impugned order dated 27.03.2017, to take possession of the land in question. The same is questioned in this Civil Revision petition.

2. Heard the learned counsel appearing for the Revision petitioner and the learned Senior counsel appearing for the respondent.

3. The learned Senior counsel appearing for the respondent submits that on 21.04.2017, the respondent had already taken possession of the land in question. This is not disputed by the learned counsel for the Revision petitioner. The learned counsel for the Revision petitioner submitted that the landlady could graciously waive the arrears. The son of the landlady is present before this Court and he informs this Court directly that they



would not initiate any recovery action for the said amount against the Revision petitioner herein. The counsel for the Revision petitioner on instructions from his client submitted that she would not have any further claim whatsoever in respect of the property in question.

4. Recording the aforesaid undertaking given by the Revision petitioner, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Revenue Court/Special Deputy Collector,
Thanjavur.

Copy to

The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.P.Senthil, Advocate SR.No.79934

Pmu

MK/SV/SAR 4/11.09.2018/2P/5C

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