



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**C.R.P (MD) (PD) .No.2015 of 2018andC.M.P (MD) .No.8917 of 2018

1.N.Grahalakshmi

2.Selvapriya

3.N.Rajavignesh

... Petitioners/Respondents/
Defendants No.3 to 5

vs.

J.Vijayalakshmi

... Respondent/Petitioner/
Defendant No.2

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the Execution Petition filed by the respondent in E.P.No.20 of 2018 in I.A.No.571 of 2011 in O.S.No.169 of 2008 on the file of the learned Principal District Judge, Virudhunagar at Srivilliputhur and strike off the same.

For Petitioners	: Mr.S.M.Anantha Murugan
For Respondent	: Mr.M.P.Senthil

O R D E R

This Civil Revision Petition has been taken up by the defendants 3 to 5 in O.S.No.169 of 2008 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur for striking off E.P.No.20 of 2018. It is admitted by the learned counsel on either side that the execution petition was instituted for enforcement of an interim order granted in the suit. But then, the main suit itself has now been dismissed for default. Citing the dismissal of the main suit, the Civil Miscellaneous Appeal filed against the said interim order was also closed as infructuous. In these circumstances, E.P.No.20 of 2018 obviously is not maintainable. The Civil Revision Petition stands allowed.



2.The allowing of the Civil Revision Petition will not come in the way of the respondent herein from filing an independent suit against the revision petitioner herein. With this observation and clarification this Civil Revision Petition is allowed. No costs. Consequently, connected C.M.P(MD).No.8917 of 2018 is closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

- 1.The Principal District Judge,
Virudhunagar at Srivilliputhur.
- 2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC To MR.M.P.SENTHIL, Advocate SR. NO. 90069

+1 CC To MR.S.M.ANANTHA MURUGAN, Advocate SR. NO. 90094

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RMK

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