



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2018

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(NPD)(MD)No.283 of 2013
and
M.P.(MD)No.1 of 2013

SenthilvelPetitioner/Plaintiff
Vs.
Manorama Respondent/Defendant

PRAYER: This petition is filed under Section 115 of Civil Procedure Code, to allow this Civil Revision Petition by setting aside the fair and decreetal order passed in E.P.No.3 of 2012 in O.S.No.114 of 2007 dated 05.11.2012 on the file of the District Munsif Court, Ramanathapuram.

For Petitioner : Mr.R.Manimaran
For Respondents : Mr.J.Barathan

O R D E R

The plaintiff in the suit in O.S.No.114 of 2007 on the file of the District Munsif, Ramanathapuram, is the revision petitioner.

2.It appears that the revision petitioner has filed a suit for declaration and recovery of possession in respect of the suit property. When the Revision petitioner filed an execution petition, the Executing Court dismissed the petition on the ground that the defendant had preferred an appeal as against the Judgment and Decree in O.S.No.114 of 2007 on the file of the District Munsif Court, Ramanathapuram. Challenging the order passed by the Executing Court, this Revision Petition has been preferred by the plaintiff / decree holder.

3.The learned counsel for the respondent states that the appeal filed by the defendant as against the judgment and decree in O.S.No.114 of 2007 was also dismissed. It is further stated that the decree holder has filed a fresh execution petition pursuant to the disposal of the appeal in favour of the revision petitioner / plaintiff. In execution of the decree in O.S.No.114 of 2007, the learned counsel appearing for the respondent stated that delivery also has been effected.



4. Recording the statement of the learned counsel for the respondent, this Civil Revision Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif,
Ramanathapuram.

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

+1cc to M/S.T.R. Jeyapalam, Advocate SR.No. 68865

ORDER MADE IN
C.R.P. (NPD) (MD) No. 283 of 2013
19.06.2018

pnn

JM/JC/SAR 4/02.07.2018/2P/5C