

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2436 of 2008

and

M.P.No.1 of 2008

1.Kokilanathan

2.Selvarani

3.R.Ambigai Ammal

... Appellants

... 3rd Party

vs

Thettarvoo Mary

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 CPC, to set aside the fair and decretal order dated 24.04.2008 made in E.A.No.100/2004 in E.P.No.6/2004 in O.S.No.16/2000 on the file of the Additional District Court, Puducherry, Karaikal.

For Appellants : Ms.T.Sezlian
for Mrs.R.Meenal

J U D G M E N T

Heard the learned counsel for the appellants.

2. Though notice has been ordered on the respondent, there is no representation on behalf of him. Therefore, the present appeal is taken up for hearing.

3. The respondent had filed O.S.No.16 of 2000 for specific performance. The said suit was decreed on 11.07.2002. Thereafter, the respondent filed E.P.No.6 of 2004 for executing sale deed. In the E.P.No.6 of 2004, the respondent also filed E.A.No.100 of 2004 under Order 21 Rule 97 of C.P.C. r/w Sections 107 and 151 of C.P.C. E.A.No.100 of 2004 in E.P.No.6 of 2004 in O.S.No.16 of 2000 was allowed on 24.04.2008. The 1st and 2nd appellants have not challenged the Judgment and Decree passed in O.S.No.16 of 2000. The third respondent has no right over the property. A perusal of the order passed by the trial court dated 24.04.2008 shows that there is no merits in the present appeal and therefore I do not find any reason to interfere with the impugned order.

4. In view of the same, the civil miscellaneous appeal stands dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

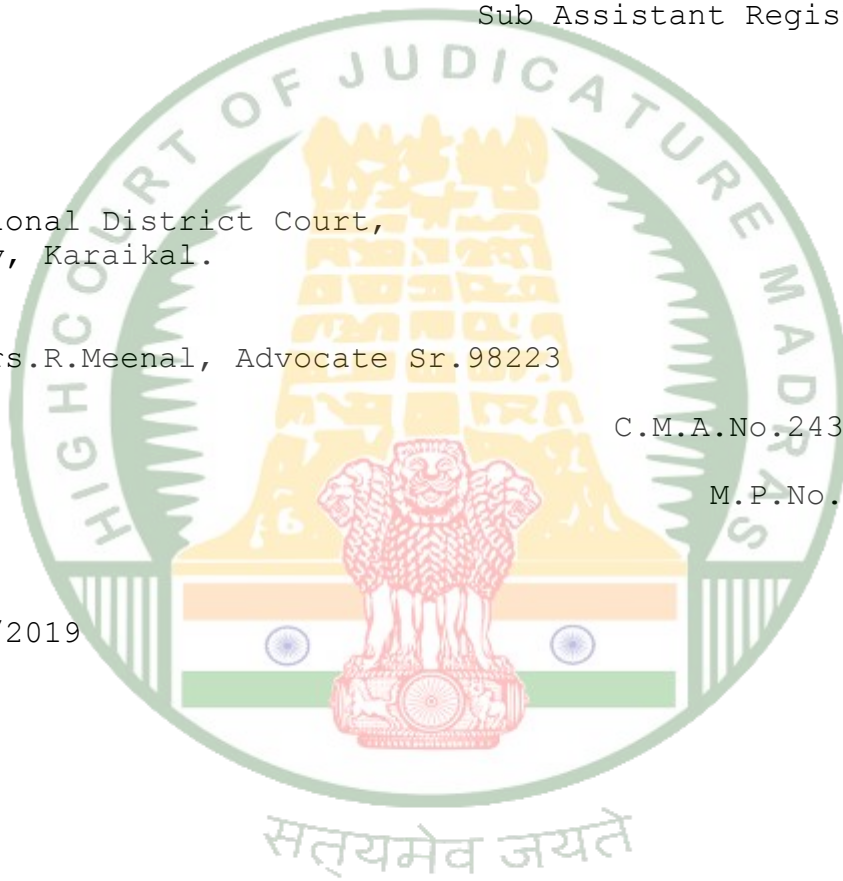
To

The Additional District Court,
Puducherry, Karaikal.

+1cc to Mrs.R.Meenal, Advocate Sr.98223

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pvs[col]
srg 26/12/2019



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