

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P. (NPD) .No.543 of 2004

Mottaya Udayar

... Petitioner

Vs.

1.Arukkani Ammal
2.Santhanam
3.Minor Pavithra
4.Minor Sasidaran
5.Maragatham
6.Gunasekaran
7.Minor Sudakar
8.Minor Vanitha
9.Vasantha
10.Indhirani

... Respondents

(R1 to 10 rep by Power Agent Natarajan)

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.01.2003 made in E.P.No.139 of 1997 in O.S.No.298 of 1977 on the file of the Principal District Munsif Court, Kallakurichi.

For Petitioner : Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates

For Respondents : no appearance

सत्यमेव जयते
O R D E R

Challenging the order passed in E.P.No.139 of 1997 in O.S.No.298 of 1977 on the file of the Principal District Munsif Court, Kallakurichi, the 3rd defendant has filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.298 of 1977 for partition and separate possession. The trial Court passed a preliminary decree on 31.07.1980. Subsequently, the plaintiffs filed a final decree application and a final decree was passed on 12.01.1995. As against the passing of the final decree, the defendants 1 to 3 filed an appeal in A.S.No.324 of 1996 on the

file of the Sub Court, Kallakurichi, which was also dismissed by the Lower Appellate Court on 24.03.1999. As against the passing of the final decree, the defendants preferred a Second Appeal in S.A.No.279 of 2001 before this Court and this Court, by its judgment dated 01.11.2017 dismissed the Second Appeal. Pursuant to the final decree passed in the suit, the plaintiffs filed an Execution Petition in E.P.No.139 of 1997 and the Executing Court also ordered delivery of possession, which has been challenged in the present Civil Revision Petition.

3.Since the final decree passed in O.S.No.298 of 1977 has been confirmed by this Court in S.A.No.279 of 2001 and that the Executing Court had ordered delivery pursuant to the final decree, I do not find any reason to interfere with the order passed by the Executing Court. In such view of the matter, I do not find any merits in the Civil Revision Petition. The Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va

To

1. The Principal District Munsif Court,
Kallakurichi

Copy To

The Section Officer,
VR Section, High Court,
Madras-104 (2 Copies)

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.22276

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SSI (CO)
CS/01/04/2019