

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2019

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No.4155 of 2011 and
M.P.No.1 of 2011

Subramani

... Petitioner

v.

1. Kanmani

2. Achiyaathal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 11.07.2011 made in I.A.No.160 of 2011 in I.A.No.802 of 2009 in O.S.No.118 of 2007 on the file of the Sub Court, Dharapuram.

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For Petitioner : Mr.S.Lakshmanasamy

For Respondents : Mr.P.Navaneetha Krishnan

ORDER

Challenging the order passed in I.A.No.160 of 2011 in I.A.No.802 of 2009 in O.S.No.118 of 2007 on the file of the Sub Court, Dharapuram, the defendant has filed the above Civil Revision Petition.

2. The respondents-plaintiffs filed the suit in O.S.No.118 of 2007 for partition and for other reliefs. The Trial Court, passed a preliminary decree in O.S.No.118 of 2007. Thereafter, the plaintiffs filed final decree application in I.A.No.802 of 209, which was also decreed ex-parte by the Trial Court on 18.09.2001. Thereafter, the defendants filed an application in I.A.No.160 of 2011 to condone the delay of 81 days in filing the application to set aside the final decree passed in I.A.No.802 of 2009. The Trial Court, dismissed the application in I.A.No.160 of 2011. Aggrieved over the same, the defendant has filed the above Civil Revision Petition.

3. When the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the respondents submitted that pursuant to the final decree passed in I.A.No.802 of 2009, the plaintiffs filed an

Execution Petition in E.P.No.2 of 2011 and the Sub Court, Dharapuram has ordered eviction on 11.07.2011.

4. The learned counsel appearing for the respondents submitted that in view of the order passed in the Execution Petition ordering delivery of possession, nothing survives for adjudication in the Civil Revision Petition. The learned counsel appearing for the respondents also submitted that pursuant to the order dated 11.07.2011 in E.P.No. 2 of 2011, the plaintiffs have taken possession of the property.

5. Recording the submissions made by the learned counsel appearing for the respondents, the Civil Revision Petition is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

सत्यमेव जयते

05.07.2019

Index : Yes/No

Speaking Order/Non Speaking Order

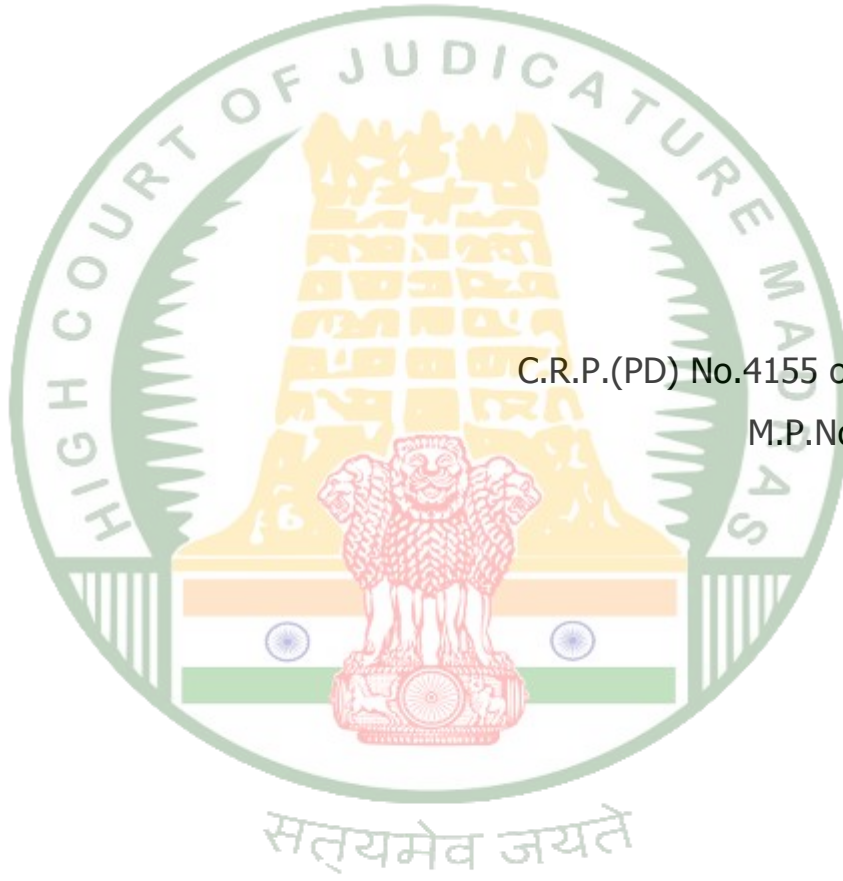
Rj

To
The Sub Court,
Dharapuram.

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M. DURAISWAMY,J.

Rj



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