

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRP(NPD).Nos. 2006 & 2007 of 2013

and

MP.No.1 of 2013

C.Kandasamy

...Petitioner in both CRPs

vs.

R.V.Sengodan

...Respondent in both CRPs

Prayer in CRP(NPD).No. 2006 of 2013: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order of the District Munsif Court at Harur, dated 27.03.2013 in REA.No.5 of 2013 in REP.No.64 of 2003 in OS.No.172 of 1977 inter-alia.

Prayer in CRP(NPD).No. 2007 of 2013: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order of the District Munsif Court at Harur, dated 09.04.2013 in REP.No.64 of 2003 in OS.No.172 of 1977 inter-alia.

For Petitioner in both CRPs : Mr.P.Valliappan

For respondent in both CRPs : Mr.S.Kaithamalai Kumaran,
Senior Counsel.

COMMON ORDER

CRP(NPD).No. 2006 of 2013 has been filed by the revision petitioner as against the order of the trial court in dismissing REA.No.5 of 2013 in REP.No.64 of 2003 in OS.No.172 of 1977. CRP(NPD).No. 2007 of 2013 has been filed by the revision petitioner as against the order of the trial court in allowing REP.No.64 of 2003 in OS.No.172 of 1977.

2. Though, the delivery of the property was recorded by the trial court, the present Civil Revision Petitions have been filed on the ground that the revision petitioner is in possession of the suit property. In order to reaffirm the delivery of the property and give quietus to the matter, this court has appointed an Advocate Commissioner to measure the suit property and demarcate the extent of ten acres of the land identified by the respondent and put the respondent in possession of the same with specific boundaries.

3. The Advocate Commissioner has filed a memo to the effect that the revision petitioner has not cooperated with commissioner and the commission fee was also not paid.

4. It is to be noted that the revision petitioner claims right over the suit property based on the purchase, an extent of 10.66 acres is said to have been purchased by him as early as on 22.04.1974. It is also to be noted that his purchase has already been held to be not *bonafide* one and has been invalidated in earlier proceedings in the suit which has reached finality.

5. The revision petitioner having insisted this court to reaffirm the delivery and subsequently, having failed to cooperate with the Advocate Commissioner makes it clear that the present revision petitions have been filed by the revision petitioner with only intention of dragging the matters without any legal right over the property.

6. In view of the same, nothing survives in the present revision petitions. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

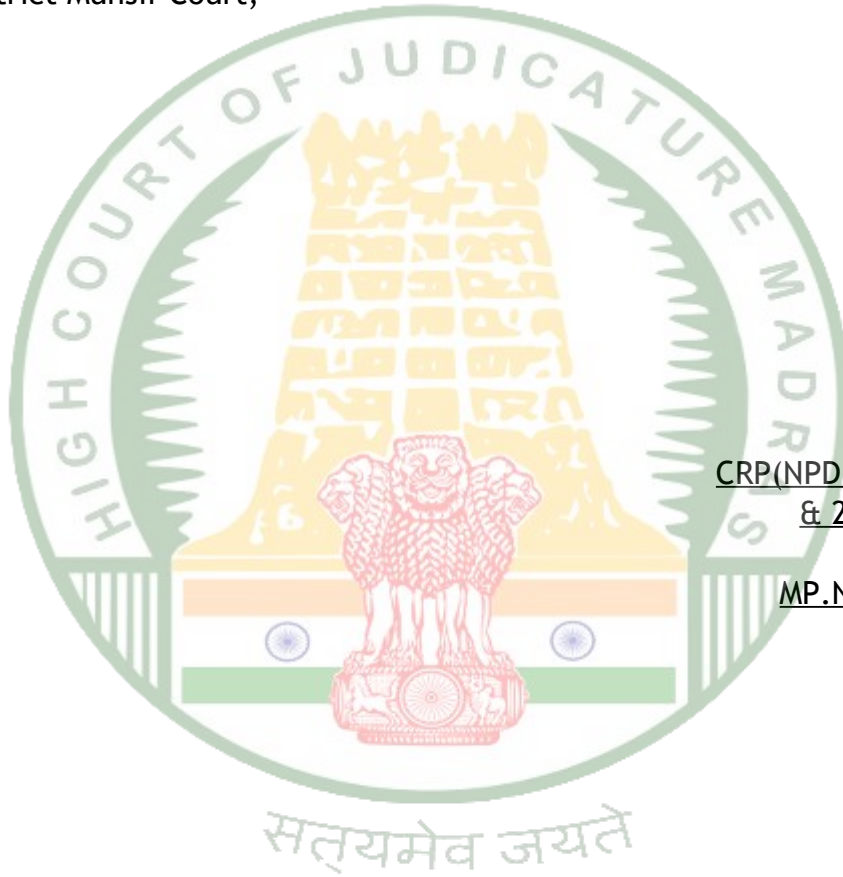
Speaking/Non-Speaking Order

N. SATHISH KUMAR, J.

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To

1.The District Munsif Court,
Harur.



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