

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.(NPD)No.1454 of 2019
and CMP.No.9461 of 2019

1. Dhana Selvam
2. Achuthan

... Petitioners

Vs.

- Chokkalingam (died)
1. Kandasamy
 2. Kalvikkarasi
 3. Jagadambal
 4. Balasubramaniam
 5. Shanmugam

... Respondents

Civil Revision Petition filed under Article 115 of the Constitution of India pleaded to set aside the fair and decreetal order dated 19.02.2019 made in REP.No.85 of 2014 in O.S.No.209 of 1996 on the file of the Additional District Munsif, Tirupattur, Vellore district.

For Petitioners : Mr.J.Ramakrishnan

For Respondents : Mr.Subbiah, Senior Counsel
for M/s.S.P.Arthi

ORDER

Challenging the fair and decreetal order dated 19.02.2019 made in REP.No.85 of 2014 in O.S.No.209 of 1996 on the file of the Additional District Munsif, Tirupattur, Vellore district, the above Civil Revision Petition has been filed.

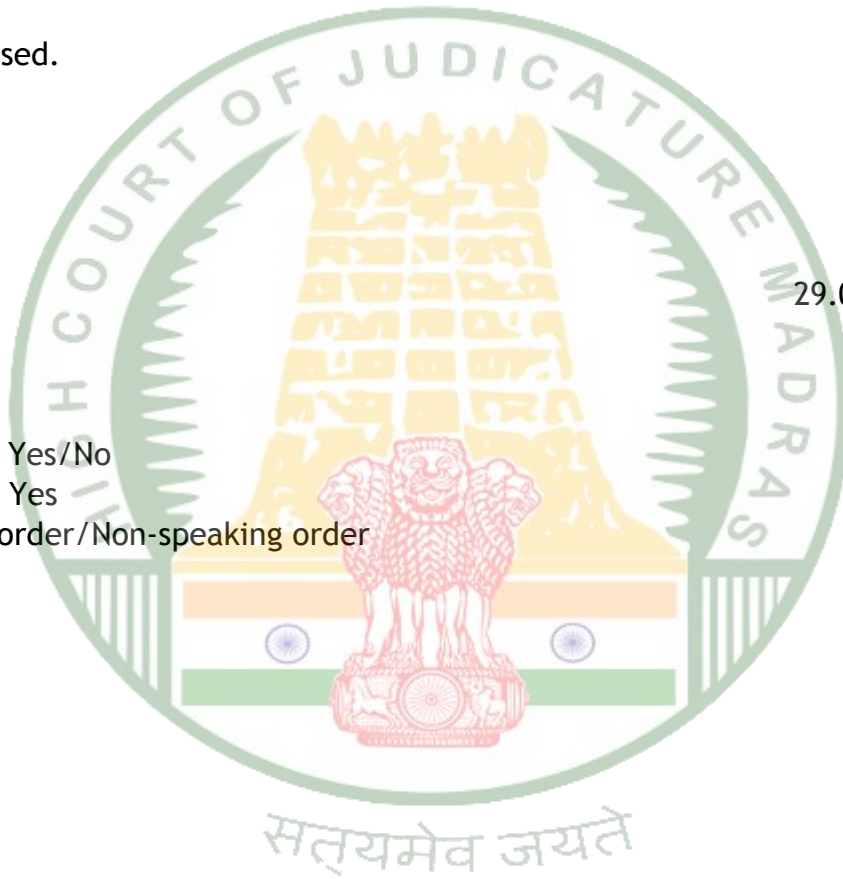
2. It is submitted by the petitioners that they have cleared the pathway and as regards the drainage, the course of the drain has been changed. The averments raised is that since the day of filing the suit till date, the water from the toilet drains of the Petitioners had been taken to the open drain through the underground pipe. This contention is not refuted and it is stated that the said underground pipe lines have not been damaged by the petitioners. The learned counsel for the Revision Petitioners would assure this Court that open drain is also cleared and the debris that falls on account of the construction being put up by them, is also cleared and will continue to be cleared so as to ensure a free flow of the drainage.

3. The said submission is recorded and the matter is remitted back to the Execution Court for the sole purpose of verifying as to whether any pipe line for draining of the drainage water is available and kept free from debris

as stated by the Revision Petitioners and that the same is not obstructing the flow of drainage from the toilet of the defendant. Execution Court shall give a finding with reference to the same. With this observation, the Civil Revision Petition is disposed of. No costs. connected miscellaneous petition is also closed.

29.04.2019

Index : Yes/No
Internet : Yes
Speaking order/Non-speaking order
dpq



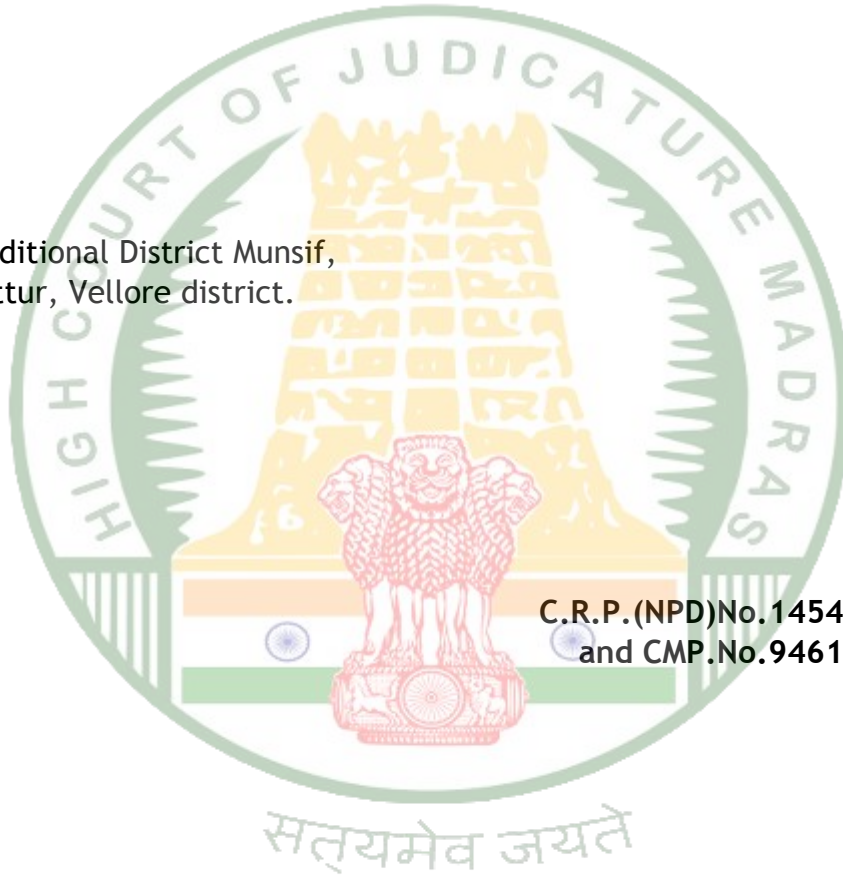
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P.T.ASHA.J.

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To

1. The Additional District Munsif,
Tirupattur, Vellore district.



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