

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(NPD).Nos.613 & 1254 of 2018

and

CMP.Nos.3207 & 6432 of 2018

Shanmugam

.. Petitioner
in both petitions

Vs

1.Manimegalai
2.Rajeswari

..Respondents
in both petitions

PRAYER IN CRP.No.613 OF 2018: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the Fair and Decreetal Order of the Learned Additional District Munsif, Tirupattur, Vellore District, dated 05.06.2016 in E.P.No.135 of 2008 in O.S.No. 317 of 2006.

PRAYER IN CRP.No.1254 OF 2018: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the Fair and Decreetal Order of the Learned Additional District Munsif, Tirupattur, dated 01.09.2016 in E.A.No.112 of 2014 in E.P.No.135 of 2008 in O.S.No. 317 of 2006.

For Petitioner
in both petitions : Mr.T.M.Hariharan

For R1
in both petitions : Mr.P.A.Sudesh Kumar

For R2
in both petitions : No appearance

COMMON ORDER

C.R.P.No.1254 of 2018 is filed challenging the order in E.A.No.112 of 2014 in E.P.135 of 2008 on the file of the learned Additional District Munsif, Tirupattur, in and by which, the learned Judge has dismissed the application filed by the revision petitioner under Section 47 of the Code of Civil Procedure, objecting the independent possession of the petitioner to the suit property on the basis of being cultivating tenant under the second defendant in the suit O.S.No.317 of 2006. It is seen that the revision petitioner has filed several documents to show that he is in possession of the suit property along with petition filed under Section 47 CPC. However, the same does not find reference in the order that has been pronounced by the learned Additional District Munsif, Tirupattur, in E.A.No.112 of 2014, on 01.09.2016. Therefore, this Court without going into the merits of the case, remits back E.A.No. 112 of 2014 to the file of learned Additional District Munsif, Tirupattur, to consider E.A.No.112 of 2014, afresh after giving opportunities to both parties, to let in any evidence and mark documents. This Civil Revision Petition stands disposed of by remitting E.A.No. 112 of 2014 to the file of learned Additional District Munsif, Tirupattur,. This Civil Revision Petition in C.R.P.No.1254 of 2018 stands disposed of.

2 C.R.P.No. 613 of 2018 is filed challenging the order in E.P.No. 135 of 2018, whereby the learned Additional District Munsif had directed delivery of the suit property to the plaintiff dismissing, which is an order consequent to the order passed in R.E.A.s No.112 of 2014. In view of the fact that this Court is remitting R.E.A.No. 112 of 2014 for fresh disposal, the order in E.P.No.135 of 2008 is set aside and this Civil Revision Petition in C.R.P.No.613 of 20198 is allowed.

3 The learned Judge shall dispose of the said application in R.E.A.No. 112 of 2014, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are also closed.

सत्यमेव जयते

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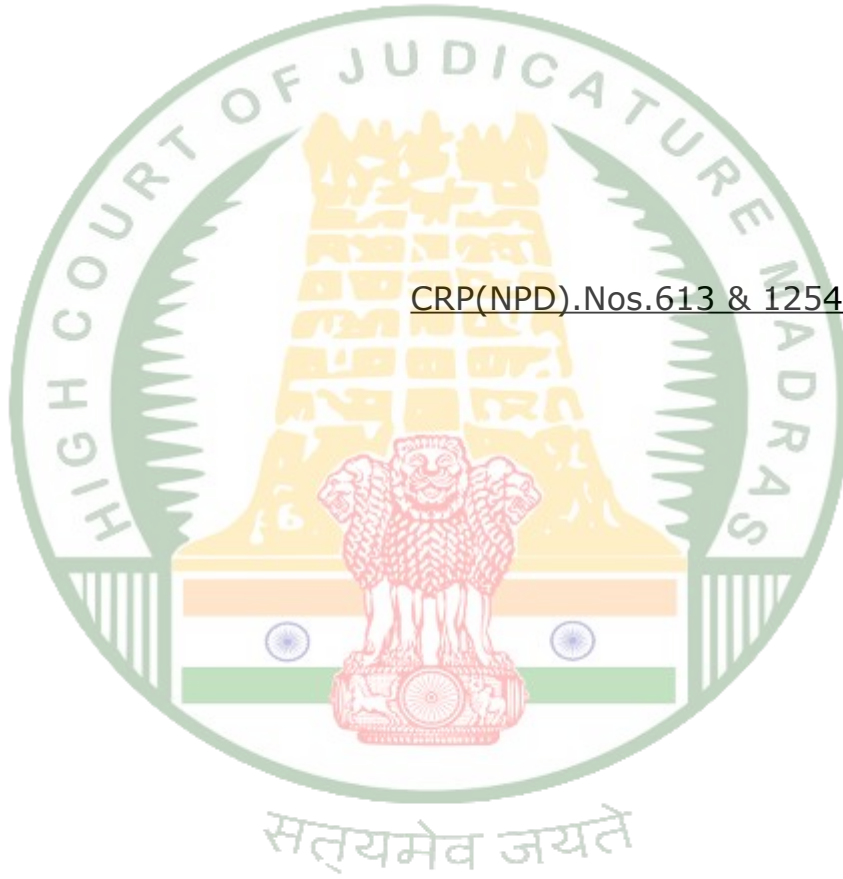
Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To

The learned Additional District Munsif,
Tirupattur,
Vellore District.

P.T.ASHA, J.

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