

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HON'BLE MR. JUSTICE **R.PONGIAPPAN**

CRP.NPD.Nos.3940 & 3941 of 2014
and M.P.No.1 of 2014

D.Kumar ...Petitioner in both CRPs

Vs

Anvarbasha ...Respondent in both CRPs

COMMON PRAYER: Civil Revision Petitions filed under Section 115 of C.P.C., to set aside the order and decree dated 16.07.2014 made in E.P.No.90 of 2014 in O.S.No.127 of 2013 and E.A.No.159 of 2014 in E.P.No.90 of 2014 in O.S.No.127 of 2013 respectively, on the file of I Additional Subordinate Court, Cuddalore.

For Petitioner
in both CRPs : Mr.J.Jayan
For Mr.D.Ravichander
For Respondent
in both CRPs : Mr.M.Gnanamoorthy
For Mr.N.Suresh

COMMON ORDER

Aggrieved over the orders dated 16.07.2014 passed in E.P.No.90 of 2014 in O.S.No.127 of 2013 and E.A.No.159 of 2014 in E.P.No.90 of 2014 in O.S.No.127 of 2013, by the learned I Additional Subordinate Judge, Cuddalore, the petitioner, who is the plaintiff in the

above referred suit has filed these two revision petitions.

2. Originally, the petitioner filed a suit in O.S.No.127 of 2013 on the file of the learned I Additional Subordinate Judge, Cuddalore, as against the respondent and sought for the relief of direction directing the respondent to receive the balance sale consideration of Rs.25,000/- and execute sale deed in favour of the petitioner. In the said suit, an exparte order was passed on 24.01.2014, as against the respondent. It is obvious to note that the above execution petition in E.P.No.90 of 2014 has been filed by the petitioner based on the exparte decree passed in O.S.No.127 of 2013.

3. Today when these two petitions are taken up for hearing, the learned counsel appearing for the petitioner as well as the respondent are present. It is submitted on either side that the exparte order passed as against the respondent in O.S.No.127 of 2013 was set aside and subsequently, the execution petition in E.P.No.90 of 2014 has been closed. Since, E.P.No.90 of 2014 has been closed, automatically, the order passed in E.A.No.159 of 2014 has become infructuous.

4. In view of the above submission made by the learned

counsel appearing on either side and considering the fact that these two Civil Revision Petitions have been filed based on the order passed in the above said E.P. and E.A., nothing survives for further adjudication in these revision petitions.

5. Accordingly, both the Civil Revision petitions are dismissed as infructuous. Consequently, connected miscellaneous petition is closed. No costs.

19.09.2019

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
rts

सत्यमेव जयते
WEB COPY

R.PONGIAPPAN, J.

rts

To

The I Additional Subordinate Court,
Cuddalore



CRP.NPD.Nos.3940 & 3941 of 2014
and M.P.No.1 of 2014

WEB COPY

19.09.2019