



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

C.R.P (PD) (MD) No.1013 of 2011

and

M.P. (MD) No.2 of 2011

WEB COPY

1.Khaja Mohideen

2.Sadiq Batcha

3.M.Jonik Batcha

: Petitioners/3rd Party/3rd Party

.. Vs ..

1.R.K.Karuppiyah Pillai

: 1st Respondent/1st Respondent/

Petitioner-Decree Holder

2.A.S.Singara Velan

: 2nd Respondent/2nd Respondent/

Respondent-Judgment Debtor

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Civil Revision Petition by calling for the records relating to the order dated 09.04.2011 passed in E.P.No.1 of 2008 in R.C.O.P.No.9 of 2000 on the file of Principal District Munsif Court, Srivilliputtur, Virudhunagar District and set aside the same.

For Petitioner : No appearance

For Respondent 1 : Mr.G.Aravindan

For Respondent 2 : No appearance

ORDER

The learned Counsel appearing for the first respondent states that delivery of possession of the property has already been effected by the Court and hence, this revision petition is liable to be dismissed as infructuous. The first respondent in this Civil Revision Petition appears to have obtained an order of eviction as against the tenant, namely, the second respondent in R.C.O.P.No.9 of 2000. The first respondent succeeded in all the forums upto Supreme Court and ultimately, filed execution petition in E.P.No.1 of 2008 and at that stage, some third parties belonging to Wakf filed a petition under Section 89 and 90 of the Wakf Act stating that they are the title holder. The revision petitioner also filed a petition under Order 21, Rule 26 of C.P.C. to stay the delivery proceedings in the execution petition pursuant to the decree in R.C.O.P. No.9 of 2000. The lower Court has rightly dismissed the petition on the ground that the petition filed by the third parties are only to drag on the proceedings. This Court do not find any merits in this Civil Revision Petition. The learned Counsel appearing for the petitioner is absent and the delivery is also stated to have been effected through Court. Hence, this Civil Revision Petition is dismissed as



infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

Sub Assistant Registrar (CS)

To

The Principal District Munsif Court,
Srivilliputtur,
Virudhunagar District.

C.R.P (NPD) No.1013 of 2011
25.07.2019

SRM

MK (09.08.2019) 2P 2C