



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

C.R.P. (NPD) (MD) .No.1126 of 2011

and M.P. (MD) .No.3 of 2011

WEB COPY

1.Robert Raj
2.Nagamani

.. Petitioners/Petitioners/
Defendants 3 & 4

Vs.

1.K.Jothikumar
2.Seetha

.. Respondents 1 & 2/Respondents 1 & 2/
Plaintiff 1 & 2

Thomson (died)

Enoss (died)

3.Amalraj

4.Paulraj

5.Annipayan

6.Anbumani

7.Vincent

8.Paulsundarraaj

9.Paul Rethinaraj

.. Respondents 3 to 9/Respondents 3 to 11/
Defendants 1,2,5 to 11

10.Muthammal

11.Daniel

12.Sthanislas

13.Thambiraj

14.Rajam

15.Lourdhumary

16.Thangarani

.. Respondents 10 to 16/Addl. Respondents 12 to 18/
Additional Defendants 12 to 18

Kamalam (died)

17.Indira

.. Respondent No.17/Respondents 19 & 20/
Additional Defendants 19 & 20

(Respondents 3 to 17 are not necessary parties. They are given up)

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and decreetal order, dated 05.03.2010 passed in E.A.No.143 of 2009 in E.P.No.139 of 2006 in O.S.No.390 of 1998 on the file of the learned Principal District Munsif, Kuzhithurai and set aside the same.

For Petitioners : Mr.V.Sasikumar

For Respondents : Mr.B.Christopher for R1 and R2
R3 to R17 - Given Up



ORDER

The defendants No.3 and 4 in the suit in O.S.No.390 of 1998 on the file of the Principal District Munsif, Kuzhithurai, are the revision petitioners.

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2.Pursuant to the decree for recovery of possession, the plaintiff in the suit filed Execution petition in E.P.No.139 of 2006 on the file of the Principal District Munsif, Kuzhithurai. When the execution petition was filed, the revision petitioners filed a petition in E.A.No.143 fo 2009 not to record delivery. The said petition was dismissed. As against the dismissal, the revision petitioners have preferred the above civil revision petition.

3.Today, when the matter is taken up hearing, it is stated that delivery was recorded by the execution Court. In such circumstances, the learned counsel for petitioner submitted that the revision petition has become infructuous.

4.Accordingly, this civil revision petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal District Munsif, Kuzhithurai.

2. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

C.R.P. (NPD) (MD) .No.1126 of 2011
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TM

AE/(22.08.2019) 2P 4C