



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2019
CORAM

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

C.R.P(PD) (MD)No.1649 of 2011

and

M.P. (MD)No.1 of 2011

WEB COPY

- 1.K.Anthony
- 2.P.Balasubramanian
- 3.A.Babu
- 4.A.R.Maasanam
- 5.K.Rajagopal
- 6.P.Murugan

7. Tirunelveli Anaithu Motor Thozhilalargal
Pathukappu Nala Sangham,
Rep. through its Secretary N.Subramanian,
No.186-B, S.N.High Road,
Tirunelveli - 7.

8. Scad Thirumalai Motor Male Self Help Group,
Rep. Thro' its Animator, K.P.Kalyana Sundaram

: Petitioners/Petitioners/3rd Party Objectors

.. Vs ..

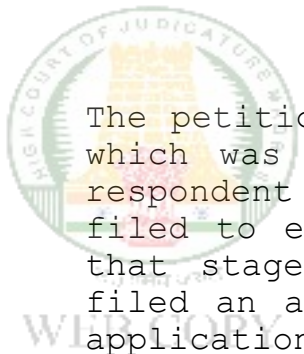
- | | |
|---------------------------|--|
| 1.Grahadurai | |
| 2.Nellaiappan | : Respondents 1 & 2/Respondents 1
& 2/Petitioner/Plaintiff |
| 3.Ganthimathinatha Pillai | : 3 rd Respondent/3 rd Respondent/
Respondent/Defendant |

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, 1908, praying to direct the Court below to number the petition unnumbered E.A.No. of 2011 in E.P.No.73 of 2011 in O.S.No.463 of 1996 on the file of the Principal District Munsif, Tirunelveli and decide the same on merits by allowing this Civil Revision Petition.

For Petitioner	: Mr.H.Arumugam
For Respondents 1&2	: Mr.J.Ashok for M/s.Jeya Paul Associates
For Respondent 3	: No appearance

ORDER

It is a peculiar case where the revision petition is filed only to number the application filed by the revision petitioner under Order 21, Rule 97 read with Rule 101 of the Code of Civil Procedure.



The petitioners are third parties to the suit in O.S.No.463 of 1996 which was filed by the respondents 1 and 2 as against the third respondent for recovery of possession. The execution petition was filed to execute the decree of recovery of possession. It is, at that stage, the petitioners, who are third parties to the suit, filed an application under Order 21, Rule 97 of C.P.C. Since the application was returned for production of documents and to verify the statement that are made in the affidavit by supplying evidence, the above Civil Revision Petition came to be filed.

2.The learned Counsel appearing for the revision petitioners submits that the execution petition was dismissed on 29.08.2012 itself. The learned Counsel appearing for the petitioners is unable to collect information on what ground the execution petition was dismissed or about steps being taken to restore the execution petition. The learned Counsel appearing for the petitioners further states that the suit filed by the revision petitioners for permanent injunction as against respondents 1 and 2 herein was decreed on 11.01.2013.

3.In the above circumstances, the petitioners have already succeeded in establishing their right, title as against the decree holder in the suit. Therefore, it was suggested that no further adjudication is necessary in this Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed as not pressed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Munsif,
Tirunelveli.

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-83100[F] dated 22/08/2019)

C.R.P(PD)(MD)No.1649 of 2011
21.08.2019

SRM

MK (20.09.2019) 2P 4C