



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) No.630 of 2018

and

C.M.P (MD) No.2753 of 2018

Irulappan

.. Petitioner/Petitioner/
Claim Petitioner/Claim Petitioner

Vs.

1.Chinnasamy

... 1st Respondent/Petitioner/
Decree Holder/Plaintiff

2.Rajagopal

.. 2nd Respondent/Respondent/
Judgment Debtor/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order made in E.A.No.335 of 2016 in E.P.No.109 of 2007 in O.S.No.249 of 2000 by the First Additional Sub Court, Tiruchirappalli.

For petitioner : Mr.C.Selvaraj

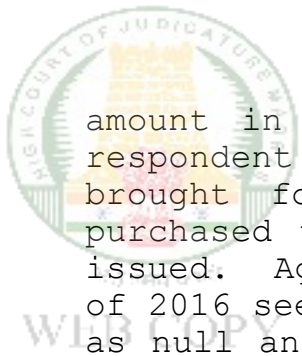
For Respondent No.1 : Mr.G.Balu Mahendran

For Respondent No.2 : No appearance

ORDER

Against the order of 'clarification for maintainability' made in E.A.No.335 of 2016 in E.P.No.109 of 2007 in O.S.No.249 of 2000 by the First Additional Sub Court, Tiruchirappalli, this revision has been filed.

2.The 1st respondent / plaintiff filed the suit in O.S.No.249 of 2000 for the relief of permanent injunction, restraining the 2nd respondent / defendant from in any way alienating or transferring the suit property defeating the claim of the plaintiff for the commission amount of Rs.2,64,496/-. The Court below decreed the suit as prayed for and also created a charge for the commission



amount in the suit property. In order to execute same, the 1st respondent / plaintiff filed E.P.No.109 of 2007 and the property was brought for auction, in which, the 1st respondent / plaintiff purchased the same for Rs.2,61,000/- and sale certificate was also issued. Against which, the revision petitioner has filed E.A.No.335 of 2016 seeking to set aside the sale deed and also declare the same as null and void. The Court below has posted the matter under the caption 'clarification for maintainability'. Aggrieved over the same, the present revision has been filed.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the 1st respondent / plaintiff would submit that E.A.No.335 of 2016 has been dismissed by the Court below on 25.04.2018 and therefore, nothing survives for adjudication in the revision. He has also produced certified copy of the decreetal order dated 25.04.2018 made in E.A.No.335 of 2016 in E.P.No.109 of 2007 in O.S.No.249 of 2000.

4.Recording the same, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The First Additional Subordinate Judge, Tiruchirappalli.

Copy to:

The Record Keeper, (2 Copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.YAMUNA, Advocate (SR-84242[F] dated 29/08/2019)

ORDER MADE IN
C.R.P (MD) No.630 of 2018
28.08.2019

smn

JMN(16.09.2019) 2P : 5C