

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).No.1178 of 2010

and

MP.No.1 of 2010

Bhima Lakshminarasamma ...Petitioner/3rd Respondent

Vs.

1.Prince Manohar Devadoss ...1st Respondent/Plaintiff

2.Corporation of Madras by
its Commissioner,
Rippon Buildings,
Chennai – 600 003. ...2nd Respondent

PRAYER: This Civil Revision Petition has been filed under Section 115 of CPC to set aside the impugned order dated 06.01.2010 in E.A.No.8849 of 2009 in E.P.No.3996 of 2007 in O.S.No.7070 of 2000, on the file of the learned X Assistant City Civil Judge, Madras.

For Petitioner : No appearance

For Respondents: No appearance

ORDER

This Civil Revision Petition has been filed against the order passed by the learned X Assistant City Civil Judge, Madras in E.A.No.8849 of 2009 in E.P.No.3996 of 2007 in O.S.No.7077 of 2000, dated 06.01.2010.

2 Third defendant in a suit O.S.No.7077 of 2000 is the revision petitioner herein.

3 The first respondent herein has filed the above said suit in O.S.No.7077 of 2000, before the learned XIV Judge, City Civil Court, Chennai, for removal of unauthorized construction put up by the revision petitioner in the common area and obtained a decree in O.S.No.7077 of 2000 and the same was confirmed in the Second Appeal viz., S.A.Nos.761 & 802 of 2008, dated 14.07.2008. Thereafter, the second respondent herein viz., Corporation Commissioner has filed a report on 04.09.2008, stating that as per the decree, unauthorized construction was demolished.

4 Taking note of the memo filed on 04.09.2008, by the second respondent/judgment debtor-2 stating that the decree has been complied with; the entire building has been demolished and therefore, nothing is left to be determined in E.A.No.7683 of 2009, including the name of the witnesses and documents and hence, the said order passed in E.A.No.7683 of 2009, has become infructuous. So is the order passed by the Executing Court, and hence, I did not find any merit in this case.

5 In the result, the Civil Revision Petition stands dismissed on merits and the order passed by the learned X Assistant City Civil Judge, Madras, in E.A.No.8849 of 2009 in E.P.No.3996 of 2007 in O.S.No.7070 of 2000, dated 06.01.2010, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2020

dua
Speaking Order:Yes/No

To
The X Assistant City Civil Judge,
Madras.



WEB COPY

CRP.(PD).No.1178 of 2010
and MP.No.1 of 2010

RMT.TEEKAA RAMAN., J.

dua



CRP.(PD).No.1178 of 2010
and MP.No.1 of 2010

31.01.2020

WEB COPY