

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.(NPD).No.1199 of 2019

and

C.M.P.No.7885 of 2019

O.Rajalakshmi

...Petitioner

Vs

1.S.T.Sundharam,

2.P.Santhosh Kumar,

3.Sri Visa Matriculation

...Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the order passed in Memo SR.No.74758 of 2018 in E.A. No.83 of 2018 in E.P.No.421 of 2017 in R.C.O.P.No.526 of 2006, on the file of the XII Small Causes Court, Chennai by an order dated 05.01.2019.

For Petitioner

: M/s. S.Bhuvana

For R2

: Mr.M.L.Ramesh

ORDER

The Civil Revision petition has been filed against the order order dated 05.01.2019 passed in Memo SR.No.74758 of 2018 in E.A.No.83 of 2018 in EP.No.421 of 2017 in RCOP.No.526 of 2006 on the file of the XII Small Causes Court, Chennai without recording petitioner as abstractor in the execution proceedings in E.P.No.421 of 2017 in R.C.O.P.No.529 of 2006. In that E.A, the petitioner has filed a memo in S.R.No.74758 of 2018 to record evidence in the E.P Court. Observing that evidence need not to be recorded in E.A.No.83 of 2018, the impugned order was passed.

2.While this revision was admitted, this Court granted stay on a condition that a sum of Rs.37,50,000/- should be paid on or before 29.04.2019 and directed to list the matter on 30.04.2019. Since the condition for granting stay has not been complied with, the stay granted was vacated by order by of this Court on 30.04.2019.

3. When the matter is taken up, the learned counsel for the revision petitioner represented that delivery has been taken by the respondent. The respondent is also present. The counsel for the respondent did not deny the act of taking delivery of possession. The submission for the respondent is recorded. Since, the suit property has been taken by the respondent, this revision petition becomes infructuous.

4. With the above observation, this Civil Revision Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is also closed. No costs.

17.12.2020

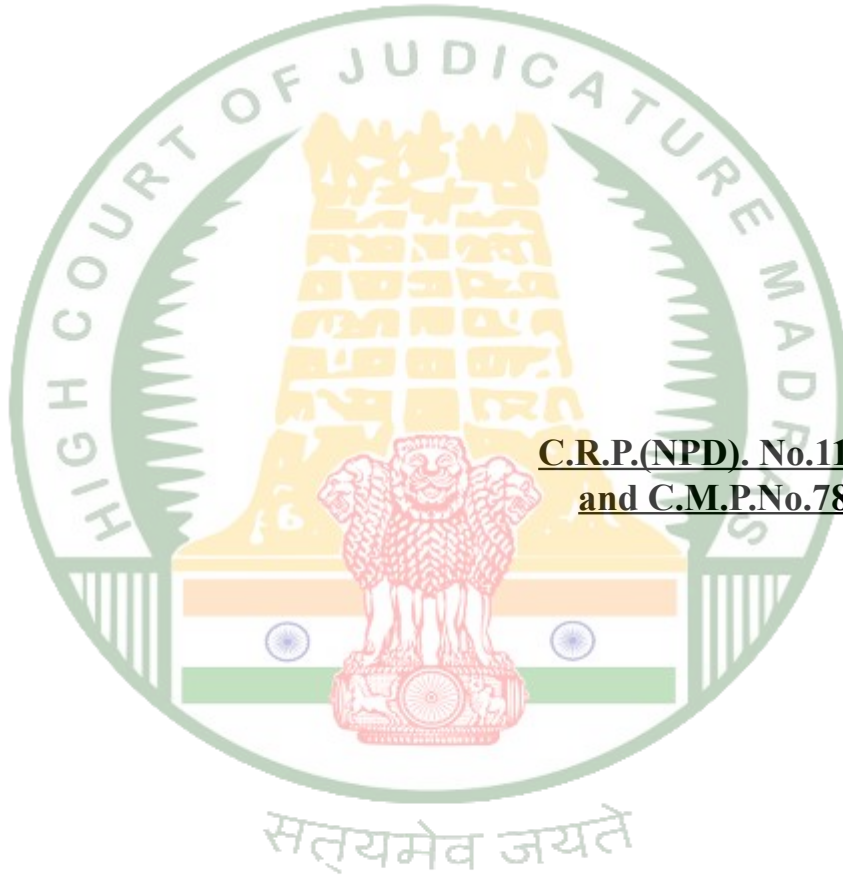
Index: Yes/No
Speaking Order: Yes/No
vsn

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V.SIVAGNANAM.J,

vsn



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