

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD)No.169 of 2018
and
C.M.P.No.24702 of 2019

Alice Bessy Mathew
Represented by Power of Attorney L.J.Mathew
... Petitioner/ Plaintiff

Vs.

Eby Thomas
...Respondent/ Defendant

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the order dated 16.11.2017 in I.A.No.1696 of 2016 in O.S.No.204 of 2008 passed by Additional District Munsiff Court, Alandur and allow the said I.A.No.1696 of 2016.

For Petitioner : No appearance

For Respondent : Mr.G.Vijayakumar for R2

ORDER

This matter is taken up for hearing through Video-Conferencing.

2. Though this Revision is against the order refusing the condonation of delay of 1191 days in seeking to restore the suit. I find from the prayer in the suit which reads as follows:

"To restrain the defendant his men, agents, assigns, representatives from alienating or in any manner encumbering the suit schedule property by an order of permanent injunction and for costs."

that the suit itself is not maintainable.

3. In C.R.P.Nos.3018 of 2018, 2289 of 2018 and 718 of 2018, I have held that such a suit is not maintainable. In view of the same, the Civil Revision Petition will stand dismissed as the suit does not deserve to be on the file of the court and there is

no need for restoration of the same. No costs. Consequently, the connected miscellaneous petition is closed.

sd/

ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

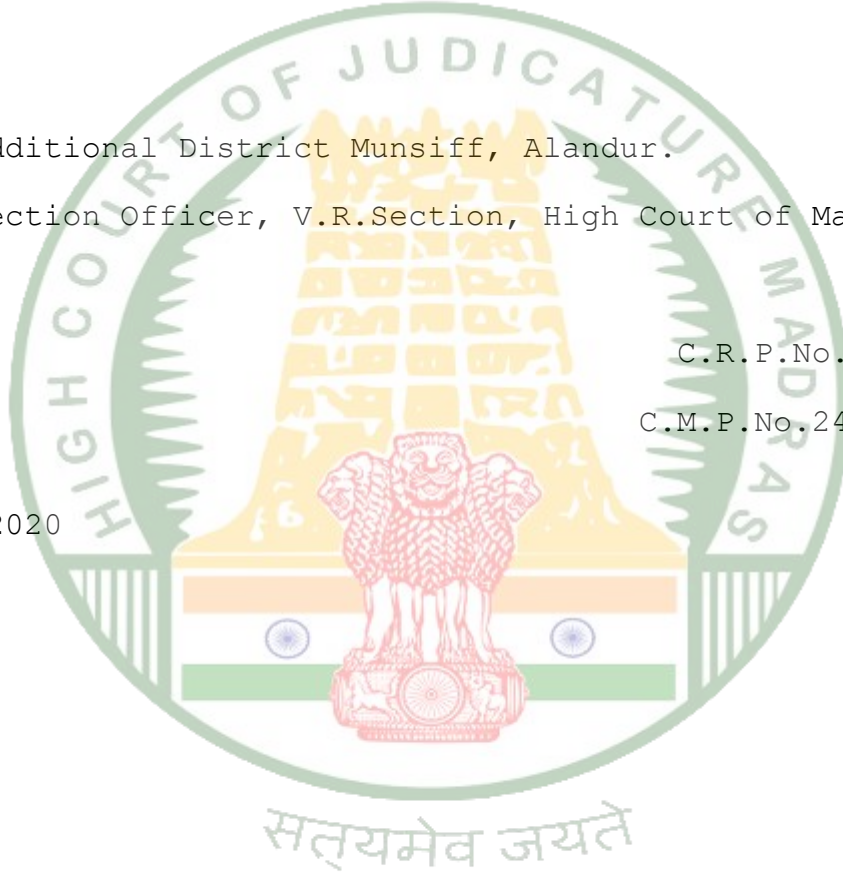
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To

1. The Additional District Munsiff, Alandur.
2. The Section Officer, V.R.Section, High Court of Madras.

C.R.P.No.169 of 2018
and
C.M.P.No.24702 of 2019

RLD (CO)
NS-19/12/2020



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