



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.R.P (MD)No.1013 of 2012 (NPD)

MP(MD) .No.1 of 2012

WEB COPY

1. Kumaresan
2. Gopalakrishnan
3. Paramasivan
4. Muthupandi

... Petitioners /Petitioners
Respondents/Defendants

Vs.

1. Chitthirai Vel (Died)
2. C.Velliyammal
3. K.Kododi
4. V.Muthumari

.... Respondents

[Respondents 2 to 4 are brought on record
as LRs of the deceased sole respondent vide
order dated 06.07.2015 made in M.P(MD) Nos.
1 and 2 of 2015 in CRP(MD).No.1013/2012]

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 30.03.2012 made in (Unnumbered) E.A.No- of 2012 in E.P.No.13 of 2007 in O.S.No.95 of 2003 on the file of the Principal District Munsif Court, Tuticorin.

For Petitioners : Mr.A.Arumugam

For Respondents : Ananth C.Rajesh (for R2 to R4)

O R D E R

The petitioners/defendants had preferred the Civil Revision Petition against the order dated 30.03.2012 made in (Unnumbered) E.A.No. of 2012 in E.P.No.13 of 2007 in O.S.No.95 of 2003 on the file of the Principal District Munsif Court, Tuticorin.

2. The case of the petitioners is that they are the defendants in the suit in O.S.No.95 of 2003, on the file of Principal District Munsif Court, Tuticorin, filed by the respondents herein, seeking for permanent injunction restraining the petitioners/defendants, their men and agents from interfering with their peaceful possession and enjoyment of the suit schedule property. An Ex-parte decree was passed on 19.02.2004 and subsequently Execution Petition in EP.No.13 of 2007 has been



filed. Thereafter, the petitioners have filed an application to set aside the ex-parte decree passed in the suit. The said application was returned by the Court below. Challenging the said order, the present Civil Revision Petition has been filed.

3. Heard the learned counsel for the parties and perused the materials placed before this Court.

4. The petitioners instead of challenging the order passed in Execution Petition, have filed this Civil Revision Petition, challenging the order passed in the Execution Application and kept pending the matter for nearly ten years, citing the pendency of this Civil Revision Petition. In such view of the matter, this Civil Revision Petition is not maintainable.

5. The learned Counsel for the petitioners seeks liberty to get appropriate legal remedy before the appropriate forum.

6. Granting such liberty, this Civil Revision Petition is dismissed. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

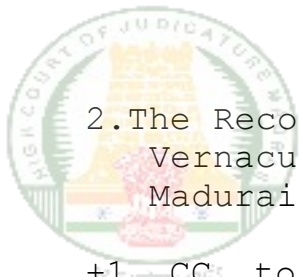
Sub Assistant Registrar(CS)

pkn/pm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal District Munsif Court,
Tuticorin.



2.The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.ANANTH C. RAJESH, Advocate (SR-20953[F] dated
03/11/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21203[F] dated
04/11/2020)

C.R.P(MD)No.1013 of 2012 (NPD)

03.11.2020

SGS (CO)

KM (19.11.2020) 3P 6C