



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.R.P (NPD) (MD)No.1216 of 2014

Santhammal

... Petitioner/Plaintiff

Vs.

Mayandi

... Respondent/Defendant

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decreetal order passed in E.A.No.66 of 2013 in E.P.No.47 of 2012 in O.S.No.392 of 1993 on the file of District Munsif Court, Thirumangalam.

For Petitioner : Mr.M.P.Senthil

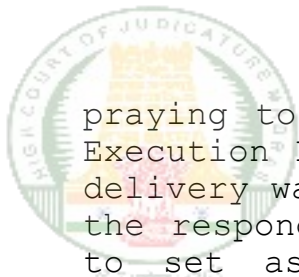
For Respondents : Mr.H.Velavadhas

O R D E R

This Civil Revision Petition is filed against fair and decreetal order dated 06.03.2014, passed in E.A.No.66 of 2013 in E.P.No.47 of 2012 in O.S.No.392 of 1993 on the file of the District Munsif Court, Thirumangalam.

2. The brief facts of the case are as follows:

The petitioner filed a suit in O.S.No.392 of 1993 on the file of the District Munsif Court, Tirumangalam against the respondent, for the relief of permanent injunction restraining the respondent from interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property and also for direction to direct the respondent to deliver possession of the suit schedule property. The said suit was decreed on 20.02.2001. Aggrieved over the same, the respondent has filed an appeal suit in A.S.No.126 of 2001 on the file of the Principal Subordinate Court, Madurai. The first appellate Court, after hearing both sides, dismissed the appeal suit on 29.10.2004, by confirming the judgment and decree of the trial Court. Aggrieved over the same, the respondent has preferred a second appeal in S.A.(MD)No.233 of 2005 before this Court. This Court, by order dated 09.03.2012, dismissed the second appeal, by confirming the judgments and decrees of the Courts below. Hence, the petitioner has filed an Execution Petition in E.P.No.47 of 2012 on the file of the District Munsif Court, Thirumangalam,



praying to execute the decree in O.S.No.392 of 1993. In the said Execution Petition, an ex-parte decree was passed on 28.03.2013 and delivery was also ordered on the same day. Aggrieved over the same, the respondent filed an application in E.A.No.66 of 2013, seeking to set aside the ex-parte order and the same was allowed on 06.03.2014. Against which, the petitioner has filed the present Civil Revision Petition.

3. When the matter came up for hearing, the learned counsel appearing for both sides, fairly agreed to maintain *status quo* and participate in the E.P. Proceedings.

4. Recording the above said submissions, this Civil Revision Petition is disposed of directing the learned District Munsif, Thirumangalam to conduct the E.P. Proceedings in E.P.No.47 of 2012 in O.S.No.392 of 1993, afresh and pass appropriate orders within a period of three months from the date of receipt of a copy of this order, after due opportunity to both parties. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vsm

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 District Munsif,
District Munsif Court,
Thirumangalam.

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

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-24518[F] dated 08/12/2020)

C.R.P (NPD) (MD)No.1216 of 2014

07.12.2020

VB (15.12.2020) 2P 5C

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