

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD) No.1210 of 2018
and C.M.P.No.7020 of 2018

C.Chelladurai ... Petitioner

Vs

C.Gurusamy ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal Orders dated 31.01.2018 passed in E.A.No.45 of 2017 in E.P.No.174 of 2016 in O.S.No.134 of 2004 on the file of II Additional District Court, Thiruvallur at Poonamallee, Chennai 600 056.

For Petitioner : Mr.A.Ramaswamy

For Respondent : M/s.R.Perumal Swamy For Cave
Mr.K.Srinivasan Spl. PP for CBI

ORDER

This Civil Revision Petition is filed against the Fair and Decreeal Order dated 31.01.2018 passed in E.A.No.45 of 2017 in E.P.No.174 of 2016 in O.S.No.134 of 2004 on the file of II Additional District Court, Thiruvallur at Poonamallee, Chennai 600 056, thereby dismissing the application filed under Section 47 of CPC in the Execution Petition.

2. Pending the Civil Revision Petition, the nature of allegation made in the application filed under Section 47 of CPC is that the plaintiff / respondent died and no legal representatives were impleaded.

3. Taking advantage of Civil decree, in the name of the plaintiff another person impersonated as if he was a Decree Holder and filed Execution Proceedings. Therefore, this Court by an order dated 20.04.2018 ordered for investigation by the Central Bureau of Investigation. As directed by this Court, the Additional Superintendent of Police of Central Bureau of Investigation / Special Crimes Branch, Chennai registered a First Information Report in RC.4(S)/2018/CBI/SCB/Chennai on 25.07.2018 for

the offences under Sections 419 and 420 of IPC as against unknown persons. For the past two years, the investigation is pending and no progress is made by the Central Bureau of Investigation.

4. In the meanwhile, in the Execution Petition, delivery was ordered and it was already effected. After recording the delivery of possession of the suit property, the main Execution Petition in E.P.No.174 of 2016 was terminated on 14.06.2018 itself.

5. Therefore, nothing survives in the present Civil Revision Petition and is dismissed. However, if any adverse report is received from the Central Bureau of Investigation as against the respondent herein or other accused persons, the petitioner is at liberty to proceed against him as per the investigation report.

6. The Central Bureau of Investigation is directed to complete the investigation and file a report before the jurisdiction Court within a period of **three months** from the date of receipt of a copy of this Order.

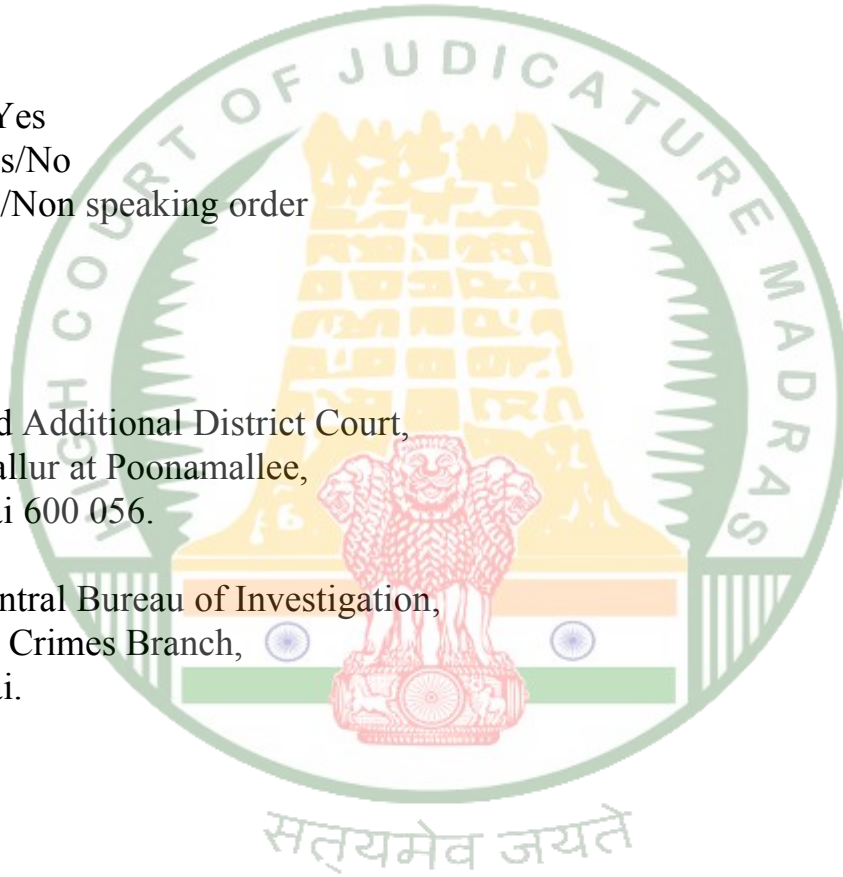
7. Accordingly, this Civil Revision Petition is dismissed.
Consequently, the connected miscellaneous petition is dismissed. No order
as to costs.

07.07.2021

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

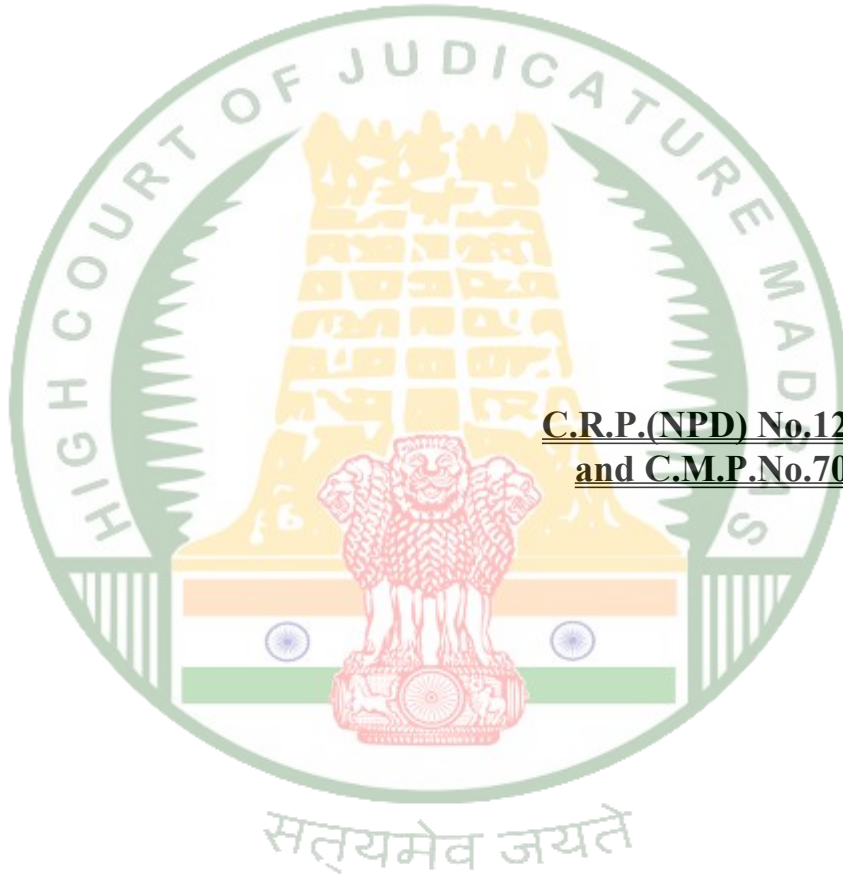
1. The 2nd Additional District Court,
Thiruvallur at Poonamallee,
Chennai 600 056.
2. The Central Bureau of Investigation,
Special Crimes Branch,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rna



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