

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

**C.R.P. (NPD) No. 3736 of 2012
and
M.P. No. 1 of 2012**

Sakthivel

... Petitioner

-VS-

1. Sivamani Ammal
2. Kamalakkannan
- Chinnathambi Padayachi (Died)
3. Anajalai
4. Srinivasan
5. Kannagi
6. Chinnaponnu
7. Kasimani
8. Balasubramanian
9. Murugan
10. Selvi
11. Amudha

... Respondents

Prayer:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the order dated 13.07.2011 made in E.P.

No. 64 of 2008 in O.S. No. 142 of 1991 on the file of the Principal District Munsif Court, Ulundurpet.

For Petitioner : Mr. Mukunth
for M/s. Sarvabhauman Associates

For Respondents : No appearance

ORDER
(The case has been heard through video conference)

The Civil Revision Petition has been filed seeking to set aside the order dated 13.07.2011 made in E.P. No. 64 of 2008 in O.S. No. 142 of 1991 on the file of the Learned Principal District Munsif Court at Ulundurpet.

2. It is now brought to the notice of this Court by the Learned Counsel for the Petitioner that E.P. No. 64 of 2008 has been dismissed for default by the Lower Court. He would further submit that the Execution Petition has been dismissed on 18.01.2021 and as per his instructions, no application has been filed by the First Respondent to restore the Execution Petition. He would submit that in view of the dismissal of the Execution Petition, nothing survives for adjudication in the Civil Revision Petition. However, he would pray that in the event of the Execution Petition being restored, the Petitioner may be granted liberty to file fresh Civil Revision Petition.

3. Since E.P. No. 64 of 2008 has been dismissed for default by the Learned Principal District Munsif Court, Ulundurpet, nothing survives for adjudication in this Civil Revision Petition. The Civil Revision Petition is dismissed as infructuous. In the event of the Execution Petition being restored, the Petitioner is granted liberty to file fresh Civil Revision Petition.

4. With this observation, the Civil Revision Petition is closed. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.04.2021

vjt

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

To

The Principal District Munsif Court,
Ulundurpet.

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A.D. JAGADISH CHANDIRA, J.

vjt



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