

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.4668 of 2015
and M.P.No.1 of 2015

1.Jayaseelan

2.E.Prema

... Petitioners/Respondents/Defendants

Vs.

N.Kamalakaran

... Respondent/Petitioner/Plaintiff

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in E.P.No.73 of 2013 in O.S.No.104 of 2003 dated 12.10.2015 on the file of the District Munsif Court, Ambattur.

For Petitioners : Mr.S.MD. Uduman (No Appearance)

For Respondent : Mr.P.Udaya Shankar

for M/s. G.Prakash

A.K.R.Ravi

ORDER

(Heard through video conferencing)

This civil revision petition has been filed praying to set aside the order passed in E.P.No.73 of 2013 in O.S.No.104 of 2003 dated 12.10.2015 on the file of the District Munsif Court, Ambattur, by allowing this civil revision petition.

2. There is no representation for the petitioners. However, the arguments

of the respondent heard.

3. The learned counsel for the respondent submitted that this revision petition has been filed against the order passed by the Executive Court in E.P.No.73 of 2013 for executing the Decree in O.S.No.104 of 2003 dated 12.10.2015 on the file of the District Munsif Court, Ambattur. The suit has been filed for the relief of mandatory injunction and other reliefs and the suit has been decreed as prayed for.

4. The defendants who are the petitioners herein, have contested the suit and thereafter only the suit has been disposed of. The petitioners/defendants have not chosen to file any appeal on the judgement of the Trial Court. The order in E.P.No.73 of 2013 has been passed on 12.10.2015 and the judgement in O.S.No.104 of 2003 has been passed on 22.06.2011. After 4 years of time, the decree got executed. Now the petitioners/defendants who have not chosen to file any appeal on the judgement of the Trial Court, has filed this revision petition challenging the order passed in the execution petition and that itself would show the intention of the petitioners that it was to dilate the matter further.

5. The petitioners have stated that they have sold away the property in

favour of 3rd party but they have not substantiated the same and even if it is true, that will not render the decree of the Court invalid.

6. Though the alleged subsequent purchasers have not chosen to file any petition to implead them as a party or have filed any obstruction petition, these petitioners who are the defendants in the suit have objected the execution proceedings for the reasons best known to them. Since the Executive Court did not find any merits in the counter filed by the petitioners herein, has chosen to allow the execution petition. It has been rightly observed that on the date when the execution proceedings were taken place, there was no stay order to stay the decree passed in the suit.

7. In the said circumstances, I do not find any valid reasons to interfere with the order of the Executing Court. In the result, the Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition in M.P.No.1 of 2015 is closed.

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Speaking/Non-speaking
Index : Yes/No
Sni

R.N.MANJULA,J.

Sni

To

1.The District Munsif Court,
Ambattur.

2.The Section Officer,
V.R.Section,
High Court, Madras.



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