

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3077 of 2013

1.C.Thiruvengadam
S/o. Chinnaiya Gounder

2.C.Dhanraj
S/o.Chinnaiya Gounder

3.V.Rathinasamy
S/o.Vaiyapuri Gounder ... Petitioners

Vs

Thangammal (Died)

1.Rani
2.Raja
3.Nageswari
4.Kamala
5.Paneerselvam ... Respondents / LR's of 1st Defendant

Prayer: Petition filed under Article 227 of the Constitution of India praying to direct the learned Principal District Munsif, Salem to record full satisfaction in the R.E.P.No.90 of 1999 in O.S.No.1138 of 1990 and to terminate the Execution Petition in R.E.P.No.90 of 1999.

For Petitioners : Mr.R.Sunil Kumar

For Respondents : No Appearance

ORDER

(The case has been heard through video conference)

The Civil Revision Petition has been filed seeking to direct the learned Principal District Munsif, Salem to record full satisfaction in the R.E.P.No.90 of 1999 in O.S.No.1138 of 1990 and to terminate the Execution Petition in R.E.P.No.90 of 1999.

2.Mr.Sunil Kumar, the learned counsel appearing for the petitioners would submit that the revision petitioners are the

plaintiffs in O.S.No.1138 of 1990. He would submit that the suit after contest was dismissed on 30.08.1996. Being aggrieved by the same, the Revision Petitioners / plaintiffs have filed an appeal in A.S.No.186 of 1996 and by judgment and decree dated 31.07.1996, the appellate Court has reversed the decree and allowed the Appeal. Thereafter, the 1st respondent / 1st defendant had preferred a Second Appeal before this Court in S.A.No.1527 of 1997 and vide judgment and decree dated 09.10.1998, this Court has confirmed the decree for removal of encroachment of 13 x 30 sq. ft. ordered in the First Appeal stated above. Thereafter, the petitioners / decree holders / plaintiffs filed E.P.No.90 of 1999 for execution of the decree, for removal of encroachment. At that time, one Balasubramaniam and another filed an application in E.A.No.264 of 2001 in E.P.No.90 of 1999 for dismissal of the execution petition. He would further submit that as on date the delivery has been effected and the E.P. Proceedings have been terminated and that A.S.No.143 of 2012 filed by the obstructors has also been dismissed and thereby the relief sought for in this petition has become infructuous.

3.Recording that the delivery of possession in favour of the petitioners has been effected and that the Execution Petition in R.E.P.No.90 of 1999 has been terminated, nothing survives in this petition for further adjudication. This Civil Revision Petition stands dismissed as infructuous accordingly. No costs.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

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To:

The Principal District Munsif
Salem

C.R.P.No.3077 of 2013

NK(CO)
GMY(05/07/2021)