

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No. 1728 of 2016

and

C.M.P.No.9198 of 2016

M.Natarajan

... Petitioner

Vs.

Senthamari Kannan @ Kannan

[Cause title accepted, as per this Court order dated 28.04.2016 made in CMP.No.7397 of 2016 in CRP.SR.No.633 of 2016].

... Respondent

PRAYER: The Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to set aside the docket order of taking on file of the application dated 17.02.2016 in E.A.No.1 of 2016 in E.P.No.6 of 2013 in O.S.No.41 of 2006 on the file of the Additional District Court at Cuddalore and to allow the above C.R.P.

For Petitioner : Mr.D.S.Thiruma Valavan

For Respondent : M/s.R.Meenal

ORDER

This Civil Revision Petition is directed as against the docket order dated 17.02.2016 in E.A.No.1 of 2016 in E.P.No.6 of 2013 in O.S.No.41 of

2006 on the file of the Additional District Court, Cuddalore, thereby, notice was ordered on the petition seeking police protection to take delivery of possession in E.P.No.6 of 2013.

2. The respondent is the plaintiff. He filed the suit for declaration and recovery of possession as against the petitioners. The said suit was decreed by judgment and decree dated 31.03.2010. For execution of the said decree, the respondent filed an execution petition in E.P.No.6 of 2013. In the execution proceedings, on 19.03.2012, the delivery was ordered.

3. While, taking delivery of possession, there was obstruction and as such, the respondent filed an E.A seeking police protection for taking delivery of possession. In the said petition, the Execution Court ordered notice on 17.02.2016 and adjourned the case to 02.03.2016. The said order is under challenge in the present Civil Revision Petition.

4. In the meanwhile, the petitioner preferred an Appeal Suit in A.S.No.600 of 2011 before this Court as against the judgment and decree dated 31.03.2010 passed in O.S.No.41 of 2006 and this Court, by an order

dated 01.07.2012 stayed all further proceedings in the execution petition. The said order was communicated to the Execution Court and all further proceedings have been stayed. Therefore, nothing survives in this case.

5. In view of the same, this Civil Revision Petition is dismissed. However, the Execution Court is directed to keep the execution petition pending till the disposal of the said Appeal Suit in A.S.No.600 of 2011 by this Court. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.01.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

kv

To

The Additional District Court, Cuddalore

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G.K.ILANTHIRAIYAN,J.

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