

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

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

C.R.P.(NPD).No.3025 of 2016

and

C.M.P.No.15327 of 2016

1.The District Collector,
Nilgiris District, Ooty.

2.The Tahsildar,
Ooty Taluk, Ooty.

...

Petitioners/Defendants

Vs.

1.Mr.Nawab Shafath Ali Khan

2.Mrs. Shaheen Zainab

...

Respondents/ Plaintiffs

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgement and decree dated 06.01.2015 passed in O.S.No.9 of 2012 on the file of the District Munsif, Udhagamandalam.

For Petitioners : M/S.Dr/S.Suriya, Govt. Counsel

For Respondents : M/S.Shanmugha Associates

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed challenging the judgement and decree dated 06.01.2015 passed in O.S.No.9 of 2012 on the file of the

District Munsif, Udhagamandalam.

R.N.MANJULA,J.

jrs

2. The learned counsel for the petitioners has been repeatedly submitting during earlier occasions and also today that this Civil Revision Petition itself is not maintainable and the only recourse for the petitioners is to file an Appeal. It is further submitted that the petitioners have filed an Appeal before the District Court, Udhagamandalam by challenging the impugned order along with a petition to condone the delay of around 700 days and the same has been numbered as I.A.No.59/2017.

3. The petitioner cannot maintain parallel proceedings one by way of an Appeal and another by way of a Civil Revision Petition against the same impugned judgment and decree. In such view of the matter, this Civil Revision Petition is dismissed as not maintainable. No costs. Consequently, connected civil miscellaneous petition in C.M.P.No.15327 of 2016, is closed.

09.07.2021

Index : Yes/No

jrs

To

1.The District Munsif Court, Poonamallee.

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

C.R.P.(NPD).No.3025 of 2016