

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(NPD) No.1548 of 2021
and C.M.P.No.12137 of 2021**

Amalanathan @ Venkatesan,(Deceased)

1. Elizabeth
2. V.Prabhu
3. V.Prema

...Petitioners

Vs.

1. Arokyaswamy
2. Rachal Anjaleena

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Delivery Order dated 15.04.2021 made in E.P.No.23 of 2017 in I.A.No. 31 of 2017 in RCOP No.11 of 2013 passed by the Additional Principal District Munsif, Vellore.

For Petitioners : Mr. R.Chandrasekaran

ORDER

This Civil Revision Petition has been filed, against the Order dated 15.04.2021 made in E.P.No.23 of 2017 in I.A.No. 31 of 2017 in RCOP No.11 of 2013 passed by the Additional Principal District Munsif, Vellore.

2.It is seen from the records produced in the form of typed set of papers that eviction in RCOP No.11 of 2013 was ordered on 09.09.2015. It is seen from the submission made by the learned counsel for the petitioners that no Rent Control Appeal has been filed as against the order of eviction. Therefore, the order of eviction in RCOP No.11 of 2013 passed on 09.09.2013 becomes final.

3.Thereafter, on the strength of the order of eviction, the respondents herein preferred execution proceedings in E.P.No.23 of 2017. Though the petition for eviction was filed in the year 2017, order of delivery was effected only on 15.04.2021. Therefore, the petitioners are before this Court to set aside the order dated 15.04.2021 in E.P.No.23 of 2017.

4.Considered the submissions. When the eviction order was passed against the petitioners and it has become final, and when there is no appeal, there is no reason for setting aside the order of delivery. This Court is of the considered view that this petition has no merits, and it has been filed only to drag on the proceedings.

5.Therefore, this Court is not inclined to set aside the order of delivery dated on 15.04.2011 in E.P.No.23 of 2017 passed by the learned

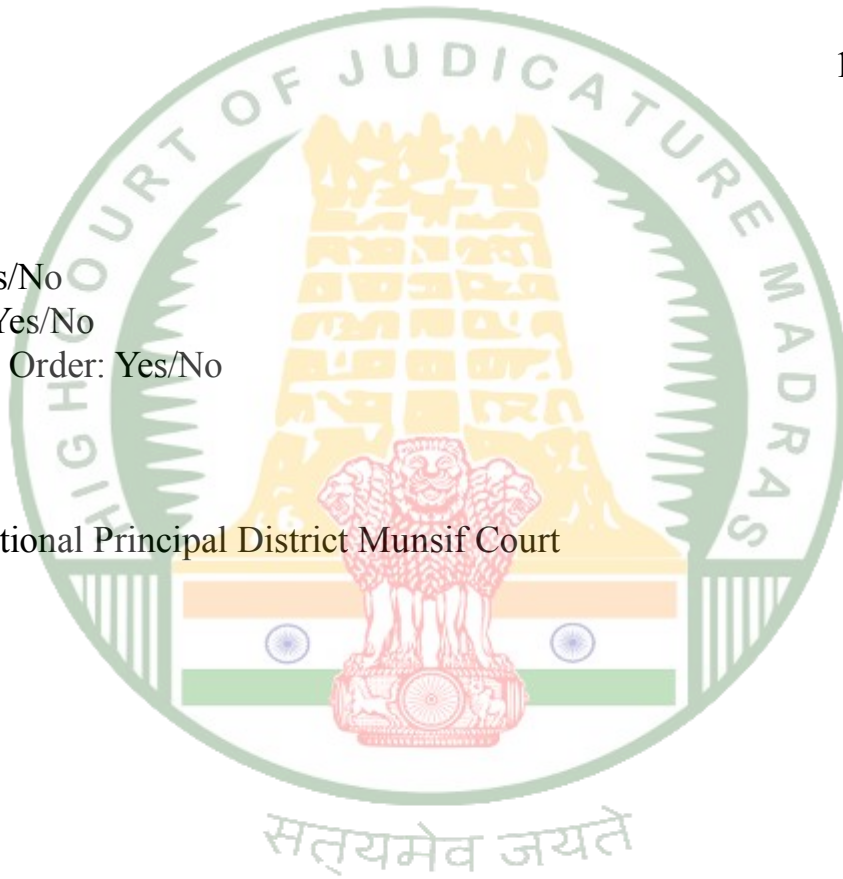
Additional Principal District Munsif Court, Vellore. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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13.08.2021

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No

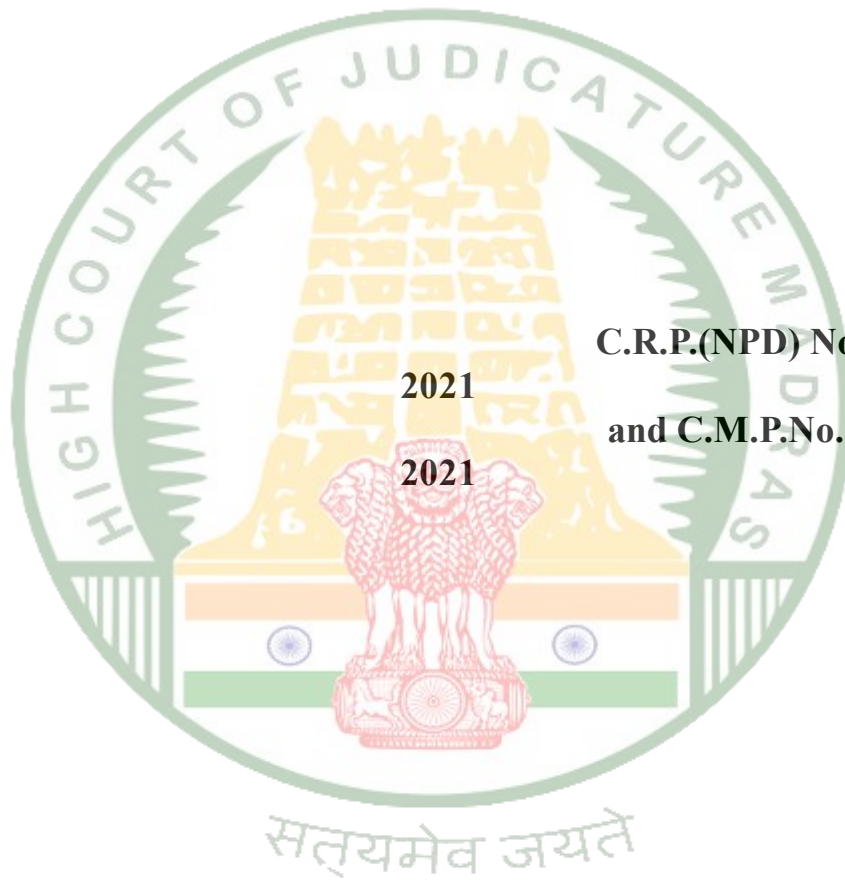
To
The Additional Principal District Munsif Court
Vellore.



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G.CHANDRASEKHARAN.J,

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