

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

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

C.R.P.(NPD) No.3644 of 2016
and CMP. No.18531 of 2016

1.P.Bhikaram
2.P.Tararam

...

Petitioners

Vs

1.S.Pistabai
2.S.Rajendra Kumar Surana
3.S.Sunil Kumar Surana

...

Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 29.09.2016 made in I.A.No.5708 of 2016 in O.S.No.3976 of 2010 on the file of the VII Assistant City Civil Judge, Chennai and dismiss the said application by allowing the present Revision Petition.

For Petitioners : No Appearance

For Respondents : Mr.A.K.Sriram
for M/s.A.S.Kailasam & Associates

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 29.09.2016 made in I.A.No.5708 of 2016 in O.S.No.3976 of 2010 on the file of the VII Assistant City Civil Judge, Chennai, thereby dismissing the petition to condone the delay in filing the petition to set aside the ex-parte decree.

2. The petitioners are the defendants and the respondents are the plaintiffs. The respondents filed a suit for recovery of possession in respect of the suit property and the same was decreed. Aggrieved by the same, the petitioners preferred an appeal suit in A.S.No.483 of 2012. The appeal suit was allowed by a judgment and decree dated 31.01.2014 and the same was remanded back to the Trial Court for fresh trial. Pending suit, the petitioners were absent and they were set ex-parte. Thereafter, the Trial Court was passed ex-parte decree on 28.04.2015.

3. In pursuant to the decree, the respondents filed an execution petition in E.P.No.82 of 2016 and delivery of possession was ordered.

Subsequently, the delivery of possession was also effected on 04.03.2020. In pursuant to the effect of the delivery, the execution petition was also terminated on 19.03.2020. Therefore, nothing survives in this Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

01.04.2021

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

To

The VII Assistant Judge,
City Civil Court, Chennai

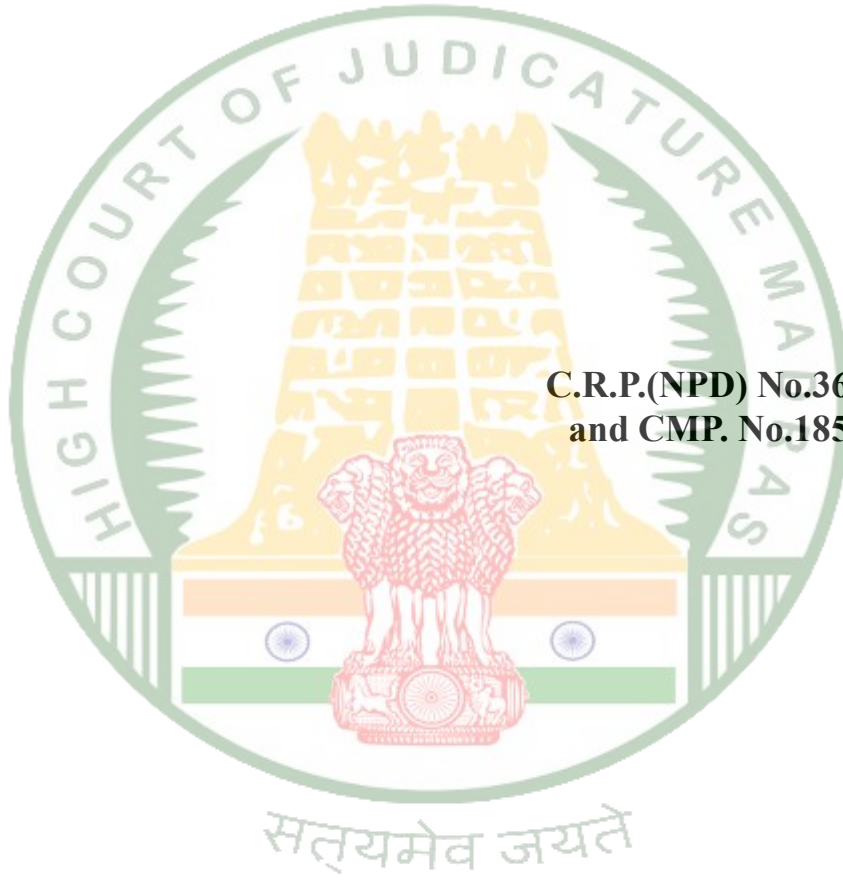


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C.R.P.(N.P.D).No.3644 of 2016

G.K.ILANTHIRAIYAN.J,

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