

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(NPD).No.2436 of 2018
and CMP.No.14960 of 2018

M.Chinnasamy

... Petitioner

Versus

N.Govindan

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decretal orders made in E.A.No.96 of 2016 in E.P.No.40 of 2013 in O.S.No.247 of 1997 on the file of the District Munsif Court, Dharmapuri dated 27.02.2018, giving police protection for the execution of the decree to the respondent and thus respondent.

For Petitioner

: Mr.V.Krishnamurthy

For Respondent

: Mr.Gunasekaran for
Mr.Anna Gandhi V.R.

* * * *

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal orders made in E.A.No.96 of 2016 in E.P.No.40 of 2013 in O.S.No.247 of 1997 on the file of the District Munsif Court, Dharmapuri dated 27.02.2018, giving police protection for the execution of the decree to the respondent.

2.After hearing both the parties, the Court below allowed the application and granted the police protection. Subsequent to the order passed by the court below dated 27.02.2018, the decree was executed through the E.P.No.40 of 2013 and the above said execution petition was also closed.

3.At the time of execution of decree police protection was provided and the decree was executed. Hence, the execution petition was closed. Therefore, this Court is of the view that nothing survives for further adjudication in this matter.

4.The learned counsel appearing for the petitioner submitted that the suit in O.S.No.109 of 2016 was filed by the petitioner. The closure of execution petition is not a bar for the revision petitioner to proceed with the O.S.No.109 of

2016. Hence, the revision petitioner seeks liberty. There is no need for this Court to grant any liberty to the revision petitioner, because it is a right of the revision petitioner to proceed with the O.S.No.109 of 2016, in accordance with law and disposal of this Civil Revision Petition is not a bar to proceed the O.S.No.109 of 2016.

5.In view of the above, this Civil Revision Petition stands dismissed.
No cost. Consequently, the connected miscellaneous petition is closed.

08.03.2021

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

To

The District Munsif,
District Munsif Court, Dharmapuri

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KRISHNAN RAMASAMY, J.,

ah



C.R.P (PD).No.2436 of 2018
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