

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

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

C.R.P.(NPD) No.2900 of 2018 and
CMP.No.16977 of 2018

Maniammal

....

Petitioner

Vs

Bhuvaneshwari

...

Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order made in EP.No.39 of 2012 in OS.No.18 of 2007 dated 18.06.2018 on the file of the Subordinate Judge, Bhavani, Erode District

For Petitioner : Mr.V.Balamurugane

For Respondent : M/s.Sathya
for M/s.Zeenath Begum

ORDER

This Civil Revision Petition is filed against the fair and decretal order made in EP.No.39 of 2012 in OS.No.18 of 2007 dated 18.06.2018 on

the file of the Subordinate Judge, Bhavani, Erode District, thereby ordered arrest of the petitioner herein.

2. The petitioner is the defendant and the respondent is the plaintiff. The respondent filed suit for bare injunction, in which the petitioner was set exparte and exparte decree was passed by the judgment and decree dated 03.11.2008. Aggrieved by the same, the petitioner filed petition to set aside the exparte decree with the delay of more than 1300 days in filing the petition to set aside the exparte decree and the same was dismissed. Aggrieved by the same, the petitioner filed civil revision petition in CRP.No.3548 of 2016 and the same was also dismissed by order dated 12.02.2021. Simultaneously, the respondent filed execution petition with the allegation that even after the decree, the petitioner disturbed her possession and enjoyment of the suit property. The court below examined PW1 on the side of the respondent / decree holder and marked Ex.P1 to Ex.P5. On the side of the petitioner, examined RW1 and 2 and marked Ex.R1 to Ex.R6.

3. On perusal of Ex.A5, revealed that the respondent lodged complaint, in which enquiry was conducted and filed report. After decree

and judgment, the petitioner ought not to have disturbed the possession and enjoyment of the suit property by the respondent herein. In fact, she also failed in setting aside the exparte decree, since she filed the petition to set aside the exparte decree with delay of more than 1300 days without any sufficient cause. Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

12.07.2021

lok

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

सत्यमेव जयते

WEB COPY

G.K.ILANTHIRAIYAN,J.

lok

To

The Subordinate Judge,
Bhavani, Erode District



C.R.P.(NPD) No.2900 of 2018

WEB COPY

12.07.2021