



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2122 of 2021

and

C.M.P.No.16118 of 2021

Sri Vignesh Traders,
Rep. by its propreitor,
K.Ravikumar,
Door No.122, Dr.Nanjappa Road,
Coimbatore - 18.

...Petitioner

Vs

Coimbatore City Co-op. Bank Ltd.,
K-5496, Rep. by its Managing Director,
Door No.119, Dr.Nanjappa Road,
Coimbatore - 18.

...Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure to set aside the order passed by the Learned Principal District Munsif of Coimbatore in E.P.No.158 of 2019 in R.C.O.P.No.87 of 2016 dated 03.09.2021 by way of allowing this Revision Petition.

For Petitioner : Mr.I.Abrar Md. Abdullah.

For Respondent : Mr.L.P.Shanmuga Sundaram.

O R D E R

This petition is filed challenging the order passed in E.P.No.158 of 2019 in R.C.O.P.No.87 of 2016 passed by the learned Principal District Munsif, Coimbatore on 03.09.2021.

2.Heard Mr.L.Abrar Md. Abdullah Learned Counsel for the Petitioner and Mr.L.P.Shanmuga Sundaram, Learned Counsel for the Respondent.

3.It is seen from the submissions that the Respondent filed R.C.O.P.No.87 of 2016 on the file of the Principal District Munsif Court, Coimbatore. This matter was referred to Lok Adalat and the matter came to be settled in Lok Adalat held on 09.09.2017. As per the terms of the settlement, the Petitioner was given time till 30.04.2019 for vacating the premises and



hand over possession to the Respondent. Accordingly, the Lok Adalat award was passed. Even after the time granted till 30.04.2019, it appears that the Petitioner has not vacated the premises, compelling the Respondent to file Execution Petition. This Petition was contested by the Petitioner and the Learned Principal District Munsif, Coimbatore on 03.09.2021, passed an order directing the Petitioner to handover the possession to the Respondent and a direction was issued in this regard. Against the said order, this Petition is preferred.

4. Admittedly, the issue between the parties were resolved in the Lok Adalat held on 09.09.2017. The Petitioner was granted time till 30.04.2019 for vacating the premises and handing over the possession. Without complying the direction given in the Lok Adalat award, the Petitioner has chosen to continue occupying the premises and even challenged the Execution Petition. This is an atrocious conduct on the part of the Petitioner in not complying with the award passed in Lok Adalat and continuing to occupy the premises. This Petition filed is nothing but an abuse of process of law. Therefore, it has to be dismissed with contempt and costs.

5. Thus, confirming the order of the Learned Principal District Munsif, Coimbatore, this Court directs the Petitioner to pay a costs of Rs.10,000/- to the Respondent.

6. Accordingly, this Civil Revision Petition is dismissed. With costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ay/ep

To

1. The Principal District Munsif,
Coimbatore.



2. The Managing Director,
Coimbatore City Co-op. Bank Ltd.,
K-5496, Door No.119,
Dr.Nanjappa Road,
Coimbatore - 18.

3. The Section Officer,
VR Section,
High Court, Madras - 104.

Copy to

The propretor,
Sri Vignesh Traders,
Door No.122,
Dr.Nanjappa Road,
Coimbatore - 18.

(For compliance of payment of costs as stated within)

C.R.P.No.2122 of 2021
and
C.M.P.No.16118 of 2021

GPL[co]
NSK 02/11/2021