



.BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.86 of 2021

and

C.M.P(MD) .No.723 of 2021

WEB COPY

Visalakshi Ammal

... Revision Petitioner /
Petitioner/ 2nd Respondent/
2nd Defendant

Vs.

Ramasamy Naidu (Died)

1. R.Rukmaniammal
 2. R.Janaki
 3. L.Mohan
 4. L.Venkataramanujam @ Thirupathi
 5. Kumari L.Muthulakshmi @ Renuka
 6. R.Purushothaman
 7. L.Packialakshmi
 8. P.Kokila
 9. R.Ananthanayaki
- Petitioners/Plaintiffs

... Respondents/ Respondents/

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code,1908, to call for the records of the lower Court and allow this Revision Petition and set aside the Fair and Decreetal order dated 05.12.2020, passed in E.A.No.32 of 2020 in E.P.No.236 of 1996 in O.S.No.582 of 1996, on the file of the 1st Additional Subordinate Court, Madurai.

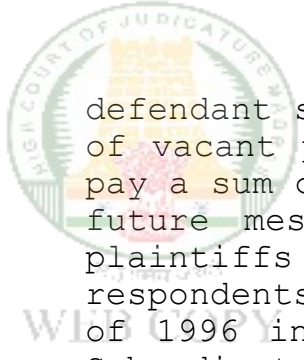
For Petitioner	:	Mr.V.Ramakrishnan
For Respondent	:	Mr.V.Srinivasan for Caveator
		Caveat Petition not filed

O R D E R

This Civil Revision Petition is filed to call for the records of the lower Court and to set aside the Fair and Decreetal order dated 05.12.2020, passed in E.A.No.32 of 2020 in E.P.No.236 of 1996 in O.S.No.582 of 1996, on the file of the learned 1st Additional Subordinate Judge, Madurai.

2. The revision petitioner is the second defendant and the respondents are the plaintiffs in the suit in O.S.No.582 of 1986.

3. The case in brief is that the respondents/plaintiffs had filed a suit in O.S.No.582 of 1986, on the file of the 1st Additional Subordinate Judge, Madurai, against the petitioner/2nd



defendant seeking a direction to the defendants 1 and 2 for delivery of vacant possession of the suit property to the plaintiffs and to pay a sum of Rs.1440/- towards the past mesne profits and to pay the future mesne profits at the rate of Rs.40/- per mensem to the plaintiffs and to pay the costs. The said suit was allowed and the respondents/plaintiffs had filed an Execution Petition in E.P.No.236 of 1996 in O.S.No.582 of 1986, on the file of the 1st Additional Subordinate Judge, Madurai, seeking to execute the decree for delivery of property. Pending execution petition, the revision petitioner/2nd defendant filed E.A.No.32 of 2020 in E.P.No.236 of 1996 in O.S.No.582 of 1986, to reopen the hearing of the E.P.No.236 of 1996, which was posted for orders for the purpose of further arguments. The learned Judge, on perusal of records came to the conclusion that the petition is not at all maintainable and accordingly, dismissed the petition. Aggrieved over the same, the revision petitioner/2nd defendant has been filed this Civil Revision Petition before this Court.

4. Heard the learned Counsel for the petitioner and perused the materials placed before this Court.

5. In the instant case, a perusal of the finding of the learned Judge would disclose that the main execution petition was filed in the year 1996 and finally, argument was heard on 19.12.2019 and posted for orders. The learned Judge, rightly came to the conclusion that the revision petitioner/2nd defendant has filed the petition citing omission of several important legal aspects which ought to have been argued on her side at the time of arguments made on 19.12.2019, is nothing but to drag on the execution petition further and therefore, I am not inclined to interfere with the order of the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. 1st Additional Subordinate Court,
Madurai.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2C)

+1 CC to M/s.V.RAMA KRISHNAN, Advocate(SR-2693[F] dated 02/02/2021)

C.R.P(MD)No.86 of 2021

01.02.2021

(MJ) CO

AP(10/02/2021) 3P 5C