



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (NPD) (MD) No.1719 of 2021

and

C.M.P (MD) No.9179 of 2021

WEB COPY

M.Sumathi

... Petitioner / Respondent/
Defendant

Vs.

The Idol of Arulmigu Jambugeswarar
Ahilandeswari Devasthanam Thiruvanaikoil,
Tiruchirappalli-5,

Represented by its
Executive Officer holding office at
Temple Premises

... Respondent/petitioner/
Plaintiff

PRAYER:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to call for the records and to set aside the petition and order dated 14.09.2021 made in E.P.No.11 of 2019 in O.S.No.1688 of 2008 on the file of the District Munsif Court cum Judicial Magistrate, Srirangam.

For Petitioner : M/s.R.Yamuna

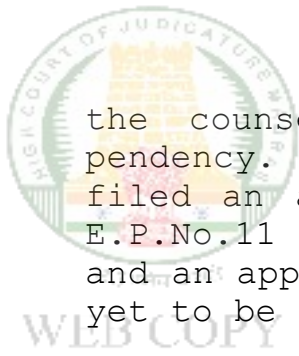
ORDER

The petitioner/judgment debtor has filed this civil revision petition challenging the order passed in E.P.No.11 of 2019 in O.S.No.1688 of 2008 in and by which she has been directed to be evicted from the suit premises and the property should be delivered back to the decree holder temple.

2.The grounds on which the revision is filed is that the petitioner was represented by a counsel appointed by the District Legal Services Authority, when the matter was pending before the 1st Additional District Munsif Court, Trichy, in E.P.No.128 of 2018. Thereafter, the same was transferred to the District Munsif Court, Srirangam and re-numbered as E.P.No.11 of 2019. Therefore, the learned counsel who was appointed had not appeared before the Court at Srirangam and consequently, the *ex parte* order came to be passed.

3.The learned counsel for the petitioner would submit that the petitioner was totally in the dark about the proceedings as

<https://hcservices.ecourts.gov.in/hcservices/>



the counsel had not deemed it fit to inform her about the pendency. It is also informed that the revision petitioner has filed an application to set aside the *ex parte* order passed in E.P.No.11 of 2019 setting forth the very same reason herein given and an application for interim stay was also filed and the same is yet to be numbered.

4.Considering the fact that the petitioner has followed procedure and filed an application to set aside the *ex parte* order, nothing survives for consideration in this revision petition in which the similar prayer is sought for.

5.In view of the above, this Civil Revision Petition is dismissed with a direction to the learned District Munsif cum Judicial Magistrate, Srirangam, to dispose of the Execution Application if any filed, as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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:-

The District Munsif Court cum Judicial Magistrate,
Srirangam.

Copy to
The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

C.R.P (NPD) (MD) No.1719 of 2021
09.11.2021

MA (CO)
SB(02.12.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>