



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) No.1850 of 2017

and

C.M.P. (MD) No.9728 of 2017

Beevi Jahan ... Petitioner/Petitioner/2nd Defendant

vs.

1.Bashoor ... 1st Respondent/1st Respondent/Plaintiff

2.Meeran Kani ... 2nd Respondent/2nd Respondent/1st Defendant

PRAYER:- This Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 23.11.2016 of the Court of the learned Principal District Munsif of Kuzhithurai in I.A.No.318 of 2016 in O.S.No.67 of 2016.

For Petitioner : Mr.K.N.Thambi

For R1 : Mrs.J.Anandhavalli

For R2 : Mr.B.Christopher

ORDER

The 2nd defendant, who is the revision petitioner before this Court, is challenging the order passed in I.A.No.318 of 2016 in O.S.No.67 of 2016 dated 23.11.2016 by the learned Principal District Munsif, Kuzhithurai.

2.The 1st respondent/plaintiff has filed a suit O.S.No.67 of 2016 for the following relief:-

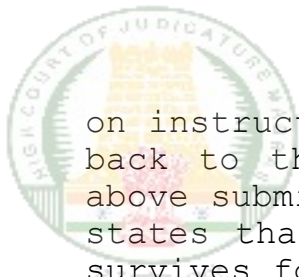
"A decree of permanent injunction restraining the defendants, their men, servants and agents from evicting the plaintiff from the schedule building except under the process of law.

A decree to realise the costs of this suit from the defendants and their assets. "

3.The case of the defendants is that the plaintiff has never be an occupant and has never occupied the petition mentioned property.

Today, the learned counsel appearing on behalf of the 1st respondent,

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



on instructions, would submit that the property has been handed over back to the plaintiff. Be that as it may, the Court records the above submission and considering the fact that the plaintiff himself states that he is no longer in possession of the property, nothing survives for consideration in the suit itself.

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4. In these circumstances, the Civil Revision Petition stand dismissed as infructuous and the suit O.S.No.67 of 2016 is also dismissed, taking into account the submissions of the learned counsel appearing for the petitioner that the petitioner is not in possession of the property. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Principal District Munsif,
Kuzhithurai.

Copy to
The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.K.N.THAMPI, Advocate (SR-40354[F] dated 23/12/2021)

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-40413[F] dated 27/12/2021)

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nsn(CO)
TR(04.02.2022) 2P 6C