



C.R.P.(NPD).No.887 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).No.887 of 2022

and

C.M.P.No.4496 of 2022

1.Mr.Easwarlal

2.Mr.Deepak

...Petitioners

-V-

Mrs.Movan Devi

Rep. by Power Agent,

Mr.O.Suresh Kumar

...Respondent

Prayer: Petition filed under Section 115 of the Civil Procedure Code, to set aside the order in E.A.No.6 of 2021 dated 08.12.2021 in E.P.No.65 of 2019 on the file of 1st Additional District Munsif, Coimbatore.

For Petitioner : Mr.A.Parthasarthy

For Respondent : Mr.Arjun



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ORDER

The tenants are the revision petitioners before this Court, challenging the order passed in E.A.No.6 of 2019 in E.P.No.65 of 2019 pending on the file of the I Additional District Munsif Caimbatore. The above petition has been filed by the revision petitioners seeking to set aside the ex parte order passed against them in the execution petition.

2. It is the case of the revision petitioners that the above execution petition has been filed by the respondent/land-lord for recovery of possession of the demised premises. The respondent/land-lord was seeking to execute the order passed in R.C.O.P.No.32 of 2014. The execution proceedings were listed for hearing on 26.08.2019 and since there was a bereavement in the family, the petitioner was unable to contact his counsel on the said date. Thereafter just before the filing of the impugned petition when he met his counsel he was informed about the ex parte order. Therefore, he sought to have the order set aside.



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3. The petition has been filed on 23.09.2019, the respondent had filed a counter inter alia contending that the Rent Control Petition namely RCOP No.32 of 2014 which was filed for demolition and reconstruction was allowed on 12.11.2018. The revision petitioners had not filed a counter nor had they appeared before the Court and therefore, the Rent Control Petition came to be ordered. Thereafter, an appeal has been filed by the revision petitioners with a delay. After the filing of the appeal they have given possession of the property without any objection on 26.09.2000, itself. Thereafter, the present application has been filed and therefore it deserves to be dismissed.

4. The Trial Court after considering the submissions of either side and considering the warrant filed by the Ameen on 25.09.2019 , came to the conclusion that the petitioner had vacated the premises voluntarily and removed all their things from the premises and therefore dismissed the application. Challenging the same the revision petitioners are before this Court.



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5. Heard the learned counsels.

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6. In the light of the report of Ameen dated 25.09.2019 regarding the fact that both the revision petitioners had vacated the premises as per the order of the Court, the present application is tantamount to an abuse of process of Court and appears to be a vexatious one. Therefore, the same has been rightly dismissed by the I Additional District Munsif, Coimbatore and I see no reason to order otherwise and accordingly the Civil Revision Petition stands dismissed. No costs, consequently, the connected miscellaneous petition is closed.

25.03.2022

Index : Yes/No
Internet: Yes/No
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To
1.The 1st Additional District Munsif, Coimbatore.



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P.T. ASHA, J.
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