



CRP (NPD) No.2807 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.R.P (NPD) No.2807 of 2016
and C.M.P.No.4876 of 2016

Manickavel

... Petitioner

Vs.

1. S.Rama
2. K.S.Kannan
3. Kavitha
4. Gomathi
5. Thirunavukkarasu
6. V.Balakrishna Menon
7. Ranathomson
8. Andrew Pope Thompson
9. Chitra Thirunavukkarasu
10. Prabakaran
11. Umaprabakaran
12. Narendrakumar
13. Chelliah
14. M/s.Oriental Bank of Commerce Ltd., Chennai.
15. Moolchand
16. M/s.Sorrento Builders & Investments,
Having office at No.18, 3rd Main Road,
Gandhi Nagar, Adyar, Chennai – 20.



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17. M/s.Aircel Cellular Ltd.,
Having office at V Floor,
Spencers Plaza,
769, Mount Road, Chennai.

... Respondents

PRAYER: The Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order passed in E.P.No.2487 of 2013 in O.S.No.4115 of 2003 dated 02.03.2016 on the file of the IX Assistant Judge, City Civil Court at Chennai.

For Petitioner : M/s.Dakshayani Reddy

For Respondent : M/s.K.S.Vamsidhar
Nos.1, 2, 7 & 13

For Respondent : M/s.J.Ravikumar
Nos.3 to 6, 8 to 12,
14 to 16 & 17

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ORDER

The Civil Revision Petition has been filed by the 14th defendant against the Execution Proceedings initiated by the decree-holders/respondents 1 and 2 in E.P.No.2487 of 2013 in O.S.No.4115 of 2003 which was pending on the file of the IX Assistant Judge, City Civil Court at Chennai.



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2. The Civil Revision Petition was filed before this Court mainly on the ground that the petitioner had already filed an appeal in A.S.No.79 of 2016 and even before the stay petition could be heard in the appeal, the Execution Proceedings were going on and that if the decree is executed, the appeal itself will become infructuous.

3. When the Civil Revision Petition came up for hearing on 07.01.2022, this Court passed the following order:-

“Learned counsel for respondents 1, 2, 7 & 13 submitted that suit filed by the respondent 1 & 3 was decreed and First Appeal filed by the petitioner in A.S.No.79 of 2016 was also dismissed. The present C.R.P. is filed challenging the order passed in E.P.No.2487 of 2013 filed for execution of decree in O.S.No.4115 of 2003. In view of dismissal of First Appeal, nothing survives in C.R.P. and prayed for dismissal of C.R.P.

2. Learned counsel for petitioner seeks time to get instructions.

3. At his request, post the matter on 12.01.2022.”

4. When the matter was taken up for hearing today, the judgment dismissing the Appeal in A.S.No.79 of 2016 was produced before this Court and it was informed that no steps were taken by the petitioner to proceed further in this matter.



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In view of the above, nothing survives in the Civil Revision Petition for adjudication and hence, the same is closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

08.12.2022

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To

The IX Assistant Judge, City Civil Court,
Chennai.



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N.ANAND VENKATESH, J.

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