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C.R.P.No.3395 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3395 of 2019

C. Ramakrishnan

....

Petitioner

Vs

1. Junior Engineer,  
TANGEDCO  
Vembakkam,  
Tiruvannamalai District.

2. Executive Engineer,  
TANGEDCO  
Vembakkam,  
Tiruvannamalai District

....

Respondents

**Prayer** :- Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside order dated 28.08.2019 passed in E.P.No.34 of 2018 in O.S.No.108 of 2017 by the District Munsif Court, Cheyyar, Tiruvannamalai District by allowing the above Civil Revision Petition.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.S.T.Raja  
Standing Counsel for TNEB



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**ORDER**

This Civil Revision Petition has been filed to set aside the order dated 28.08.2019 passed in E.P.No.34 of 2018 in O.S.No.108 of 2017 on the file of the District Munsif Court, Cheyyar, Tiruvannamalai District, thereby dismissing the execution petition filed by the petitioner.

2. The petitioner filed a suit as against the respondents for mandatory injunction, thereby directed them to remove the electricity connection No.256-002-117. The said suit was partly allowed and directed the respondents to issue notice to the petitioner as well as the counter party and decide the same. However, the suit was dismissed in respect of mandatory injunction.

3. According to the petitioner, no notice was served, no enquiry was conducted and no order was passed. Therefore, it is liable to be punished. Hence the petitioner filed an execution petition.



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4. On perusal of the counter filed by the respondent revealed that the service connection No.256-002-117 belonged to one Arputhammal. After receipt of the notice, the respondent came to know that already the suit in O.S.No.24 of 2018 on the file of the Subordinate Judge, Cheyyar, in respect of the very same property between the said Arputhammal and the petitioner herein is pending. Unless the Civil Court subjudice the issue, the respondent could not in a position to pass any final order. Therefore, the Court below rightly dismissed the execution petition and this Court finds no infirmity or illegality in the order passed by the Court below.

5. In the result, this Civil Revision Petition stands dismissed. No costs.

**13.12.2022**

Index: Yes/No  
Internet: Yes/No  
Speaking Order: Yes/No  
Lpp

To

The District Munsif,  
Cheyyar, Tiruvannamalai District.

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**G.K.ILANTHIRAIYAN, J.**

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