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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P. (NPD) .NO.2311 OF 2017

AND

C.M.P.NO.10874 OF 2017

D.Kasthuri

...Petitioner

Vs.

1.G.Gopi

2.S.Srinivasan

...Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the Docket order in E.A.No.121 of 2016 in E.P.No.36 of 2015 in O.S.No.131 of 2013, dated 05.10.2016, on the file of the Principal District Judge, Vellore.

For Petitioner : Mr.V.Lakshminarayanan

For R1 : Mr.T.Dhanyakumar

For R2 : No appearance

ORDER

I must really appreciate the perseverance of the revision petitioner/first defendant in pursuing the matter to the last edge.

2. The suit in O.S.No.131 of 2013 had been filed by the first respondent/plaintiff before the Principal District Court at Vellore.

3. I am informed that the suit was filed for specific performance.

4. The plaintiff had obtained an ex-parte decree.

5. The petitioner herein has been attempting to set aside that particular ex-parte decree. Even though such attempts had been launched, the suit had proceeded resulting in filing of E.P.No.36 of 2015.



6. There was also a further proceedings where the petitioner herein, appears to have filed I.A.No.53 of 2015, to set aside the ex-parte decree.

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7. Such application cannot be ordered without notice being directed to the plaintiff. Such notice is mandatory. Holding that steps had not been taken to serve the first respondent/plaintiff, I.A.No.53 of 2015 was dismissed.

8. Thereafter, the petitioner herein appears to have filed I.A.No.205 of 2016 to restore I.A.No.53 of 2015.

9. In the meanwhile, he had also filed E.A.No.121 of 2016 in the Execution Petition in E.P.No.36 of 2015. The said Execution Petition had been filed by the Decree holder seeking delivery of possession.

11. Naturally, this would indicate that the Sale Deed had been executed through Court.

12. Let me not keep the Revision Petition pending any further, but give a direction to the Principal District Court at Vellore, if at all, I.A.No.205 of 2016 is still surviving and is available on the file of the Court, to dispose of the same, in manner known to law preferably within a period of two months from the date of receiving the records from this Court.

13. No further orders are required in the Civil Revision Petition.

14. Let both the parties agitate their respective rights before the Trial Court/Principal District Court at Vellore.

15. The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

ssi

Note to Registry: Registry is directed to forward the records within a period of 15 working days to the Principal District Court at Vellore.



To:

1.The Principal District Judge,
Vellore.

2.The Section Officer,
V.R.Section,
High Court of Madras.

+1cc to Mr.V.Raghavachari, Advocate Sr.No.27095

+1cc to Mr.T.Dhanyakumar, Advocate Sr.No.27029

C.R.P. (NPD) .No.2311 of 2017

SS (CO)
RVM(09/05/2022)