



C.R.P(NPD)No..3103 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(NPD).No.3103 of 2017

and

CMP.No.14530 of 2017

1.Ganthimathy

2.Sakthimurugan

3.Balamurugan

4.Manigandan

..Petitioners

Vs.

Veeravel

..Respondent

Prayer: Civil Revision Petition filed under Section 115 of C.P.C., against the fair and decreetal order dated 28.07.2017 in E.P.No.92 of 2008 in O.S.No.190 of 1991 on the file of the Additional Sub-Court, Pondicherry.

For Petitioners : Mr.R.Subramanian

For Respondent : Mr.G.Shabnam for

Mr.K.P.Jotheeswaran



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ORDER

The Civil Revision Petition has been filed against the order passed

in E.P.No.92 of 2008 in O.S.No.190 of 1991.

2.The said Execution Petition has been filed consequent to a decree in O.S.No.190 of 1991, which suit was filed for declaration of title and for recovery of possession before the I-Additional Sub-Court at Puducherry. The Execution Petition had been filed to direct the revision petitioners herein to handover possession. Subsequently, the judgment and decree in O.S.No.190 of 1991 had been challenged and the challenge had now reached the door steps of this Court.

3. It is informed by Mr.R.Subramanian, learned counsel appearing for the revision petitioners that a Second Appeal had been filed but with delay, and the application seeking to condone the delay under Section 5 of the Limitation Act is under process and active consideration of a learned Single Judge. In view of that particular fact, at this stage, there cannot be an embargo on proceeding further with the Execution Petition, since valuable right had already accrued to the respondent herein. Without expressing any



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further opinion, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

4.Before proceeding further with E.P.No.92 of 2008, the learned Additional Sub-Judge at Puducherry may seek a memo to be filed on behalf of the decree holder with respect to the fact whether they had received notice in the petition under Section 5 of the Limitation Act in the Second Appeal filed by the respondent and then proceed further with the Execution Petition.

5.The presence of learned counsel, Ms.G.Shabnam is recorded and the learned counsel expressed grievance that the vakalat filed had been returned. Registry may examine that particular aspect and record the name of the learned counsel as counsel for the respondent.

02.03.2022

kkn
Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking order



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C.V.KARTHIKEYAN, J.

KKN

To-

The Additional Sub-Court,
Pondicherry.

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