



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (NPD) (MD) .No. 302 of 2022

and CMP(MD)No.1029 of 2022

Singaraj ...Revision Petitioner/Respondent (R1) /
Defendant No I
Vs
1.M.Perumal ...Respondent/Petitioner/Plaintiff
2.Paulsamy
3.Chinnasamy
4.Subbiah ...Respondents 2 to 4/Respondent 2 to
4/Defendants 2 to 4

PRAYER: Civil Revision Petition filed under Section 151 of CPC., to set aside the delivery order dated 22.10.2021, in E.P.No.22 of 2018, in O.S.No.18 of 2008, passed by the learned District Munsif, Bodinayakanur.

For Petitioner : Mr.V.Lakshmanan
For Respondents : Mr.R.Suryanarayanan

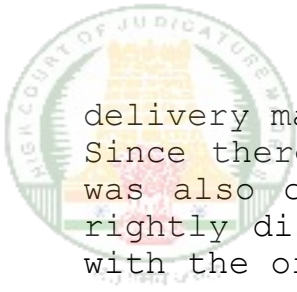
ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the delivery order, dated 22.10.2021, in E.P.No.22 of 2018, in O.S.No.18 of 2008, passed by the learned District Munsif, Bodinayakanur.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The revision petitioner has filed this revision petition to set aside the delivery order, dated 22.10.2021 in E.P.No.22 of 2018, on the ground that he had already filed two E.As, which were not numbered. The suit was originally decreed against the petitioner and the first appellate Court has also confirmed the same. The revision petitioner has filed a second appeal in S.A.No.1 of 2022. At the time of filing EP, delay condonation petition filed to condone the delay in filing the second appeal. As there was no stay in the second appeal, the property was subsequently delivered and EP was also terminated.

4.The rights of the petitioner can only be decided in the second appeal. The execution petition can be reopened and re-



delivery may be ordered, subject to the result in the second appeal. Since there is valid decree against this revision petitioner, which was also confirmed by the first appellate Court, the EP Court has rightly dismissed the petition and this Court finds no interference with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. The petitioner can agitate the matter, subject to the result of the second appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The District Munsif, Bodinayakanur

2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

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SG(CO)

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