



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.621 of 2022 and
CMP(MD).No. 2559 of 2022

C.Muthuselvi : Petitioner/Judgment
debtor/5th defendant
Vs.
1.R. Vanaja : 1st Respondent/Decree
holder/7th plaintiff
Naattrayan(died)
2.Selvaraj
3.Ramathal
4.Selvarathinam : 2 to 4 Respondents/
Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 24.02.2022 made in E.P.No.26 of 2014 in O.S.No.95 of 2004 on the file of the District Munsif, Palani.

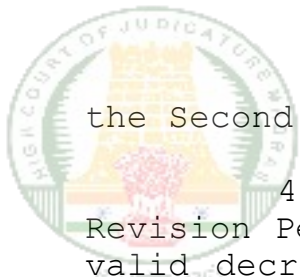
For petitioner : M/s. Krishnaveni
Senior Advocate for
for Mr. P. Thiyagarajan
For Respondent No.1 : Mr. S. Anand Chandrasekaran
for Mr. Sarvabhavan Associates

ORDER

The revision petitioner / 5th defendant filed this revision to set aside the order, dated 24.02.2022 made in E.P.No.26 of 2014 in O.S.No.95 of 2004 on the file of the District Munsif, Palani.

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

3. The suit is of the year 2004 and the same has been decreed on 29.02.2012 and thereafter, the E.P was filed in the year 2014. In the meantime, first appeal was also dismissed and the Second Appeal is pending in S.A.No.562 of 2014. Without admitting the Second Appeal, interim stay was granted for a period of two weeks on 26.06.2014 and after that it was not extended and also not listed. If really, any urgency, the petitioner can move



the Second Appeal for disposal.

4. Since the EP is pending from 2014, the present Civil Revision Petition has been filed only in the year 2022. There is a valid decree in the suit in O.S.No.95 of 2004 and that the first appeal was also dismissed. The execution petitioner has already filed a memo before the Executing Court stating that he is not pressing the prayer for mandatory injunction to remove the superstructure. If the revision petitioner succeed in the Second Appeal, she can repossess the property.

5. Since the Execution Petition is pending from 2014, there is no valid ground to allow this Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed by confirming the order, dated 24.02.2022 made in E.P.No.26 of 2014 in O.S.No.95 of 2004 on the file of the District Munsif, Palani. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The District Munsif, Palani.

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-14742[F] dated 28/03/2022)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-14999[F] dated 28/03/2022)

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SRK(CO)

KB(28.04.2022) 2P 4C