



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(NPD) (MD) .No. 976 of 2022
and CMP(MD)No.3898 of 2022

Meenatchi

... Petitioner

Vs

1.Senthilvelmurugan
2.Esakki Ammal

....Respondents

PRAYER: Civil Revision Petition filed Section 115 of Civil Procedure Code, to set aside the Order dated 21.03.2022 in E.P. No. 1 of 2021 in O.S. No. 109 of 2015 on the file of the learned District Munsif, Srivaikundam, Thoothukudi District.

For Petitioner : Mr.A.Ajith Geethan

ORDER

To set aside the Order dated 21.03.2022 in E.P. No. 1 of 2021 in O.S. No. 109 of 2015, on the file of the learned District Munsif, Srivaikundam, Thoothukudi District, the revision petitioner has filed this Civil Revision Petition before this Court.

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

3.Originally, the suit in O.S.No.109 of 2020 was filed by the respondents/plaintiffs against the revision petitioner/defendant for the relief of declaration and for recovery of possession. The suit was decreed on 29.11.2019 in favour of the plaintiffs. E.P.No.1 of 2021, was filed in the year 2021. In the execution proceedings, delivery was ordered and the petitioner has filed a petition in E.A.No.3 of 2021, which was also allowed. After that, the trial Court after hearing both side arguments, passed an order for delivery of the property. The revision petitioner has not filed any appeal in time, as against the valid decree. He filed an appeal with a delay of 500 days and no stay has been granted by the Appellate Court.

4.Since the decree was passed in the year 2019, the respondents/plaintiffs are unable to execute the decree in favour of them. Considering the above facts, the trial Court has rightly



dismissed the petition filed by the petitioner/defendant, in which, this Court finds no valid reason to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition stands dismissed and the delivery order, dated 21.03.2022 in E.P. No. 1 of 2021 in O.S. No. 109 of 2015, passed by the learned District Munsif, Srivaikundam, Thoothukudi District is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Munsif, Srivaikundam.

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

ORDER IN

C.R.P (NPD) (MD) .No. 976 of 2022

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SA(25.05.2022) 2P 4C