



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.758 of 2021

and

C.M.P (MD) No.4121 of 2021

N.Lakshmi Ammal

... Petitioner/Petitiner/1st Respondent/
1st Defendant

Vs.

Palaniappan (Died)

1.P.Subramani
2.P.Kulandaivel
3.Sakunthala
4.Ramayee Ammal

... Respondents/Respondents/Respondents/
Plaintiffs

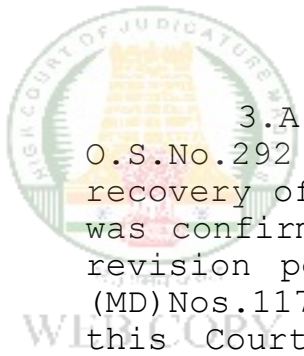
PRAYER : This Civil Revision Petition is filed under Section 115 of Cr.P.C., to set aside the fair and decreetal order dated 06.03.2021 in E.A.No.196 of 2013 in E.P.No.6 of 2012 in O.S.No.292 of 1994 on the file of the Principal Sub Court, Karur and allow the same.

For Petitioner : Mr.K.Balasundaram
For R1 - R4 : Mr.M.P.Senthil

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 06.03.2021 in E.A.No.196 of 2013 in E.P.No.6 of 2012 in O.S.No.292 of 1994 on the file of the Principal Sub Court, Karur.

2.E.A.No.196 of 2013 was filed by the petitioner/1st defendant under Section 151 of C.P.C. r/w 51 of Transfer of Property Act, directing the respondents herein to pay a sum of Rs.5 lakhs with interest at the rate of 12% from the month of September, 1986 or directing the respondents to sell the suit property to the petitioner as per the market value, after deducting the compensation amount payable by them to the petitioner, which was dismissed by the learned Principal Subordinate Judge, Karur. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.



3.A perusal of the records would show that the suit in O.S.No.292 of 1994 was filed by the respondents/plaintiffs for recovery of possession, which was decreed on 13.10.1995 and the same was confirmed in A.S.No.236 of 1995 on 18.12.1997. Thereafter, the revision petitioner/1st defendant has filed Second Appeals in S.A. (MD)Nos.1179 to 1181 and 1206 of 1997, which were also dismissed by this Court on 16.08.2011. E.P.No.6 of 2012 was filed by the respondents/plaintiffs to execute a decree in O.S.No.292 of 1994. At this stage, the revision petitioner/1st defendant has filed the said E.A.No.196 of 2013.

4.Already decree was passed on recovery of possession. Against which, second appeals were filed and the same were dismissed, confirming the decree granted in the suit. All the pleadings raised in this petition are already decided by the trial Court and also confirmed by the Second Appeals, E.P.Court cannot go beyond the decree. The revision petitioner/1st defendant has filed E.A.No.196 of 2019 only to drag on the proceedings. Therefore, the trial Court has rightly dismissed the said E.A.No.196 of 2019. This Court finds no valid reasons to interfere with the order of the Court below.

5.In view of the above, this Civil Revision Petition is dismissed. Since E.P.No.6 of 2012 is pending from the year 2012, the learned Principal Subordinate Judge, Karur, is directed to dispose of E.P.No.6 of 2012 within a period of two months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Principal Subordinate Judge,
Karur

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-12042[F] dated 15/03/2022)

C.R.P (MD).No.758 of 2021

and

C.M.P (MD)No.4121 of 2021

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