



CRP(NPD)(MD)No.1166 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1166 of 2022 and
CMP(MD) No.4788 of 2022

1.S.Mahilaparanam
2.S.Ramalingam (Died)
3.Nithyakalyani
4.Ramalakshmi
5.Priyadharshini

... Petitioners

Vs

Jamia Mosque Executive Committee,
through its present Administrative Officer,
No.30-31, W.G.C Road,
Thoothukudi District.

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the petition order dated 11.04.2022 passed in E.P.No.26 of 2019 in O.S.No.163 of 1996 on the file of the Subordinate Court, Thoothukudi.

For Petitioners : Mr.D.Senthil for Mr.P.Banuprasath
For Respondent : Mr.J.Ashok

ORDER

This Civil Revision Petition is arising out of the order passed by the learned Subordinate Judge, Tuticorin in E.P.No.26 of 2019 in O.S.No.163 of 1996 on 11.04.2022.



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2.Today(21.06.2022), when the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the respondents submits that as against the judgment and decree passed in O.S.No.163 of 1996, the respondent filed an appeal before the District Court, Tuticorin,

3.The Civil Revision Petition is filed as against the following order passed in E.P.No.26 of 2019 in O.S.No.163 of 1996 by the learned Subordinate Judge, Tuticorin:-

“Both advocates appeared before this Court. Respondent side memo filed. Perused entire memo and relevant E.P. Records and notes paper delivery warrant amins report. Delivery executed. Hence respondent memo returned. Delivery warrant executed delivery recorded. Hence the E.P is terminated and closed.”

4.This Court perused the materials placed on record and considered the submission made by the learned counsel for the respondent.



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5.The suit was filed in the year 1996 and it was decreed on 06.11.2003. Thereafter, the execution proceedings was initiated in the year 2019 and after several hearings, delivery was also ordered on 06.06.2019. After the order of delivery, the petitioner filed a memo that the property was delivered and EP was terminated. Aggrieved over the same the present Civil Revision Petition is filed. Now, it is reported by the learned counsel for the respondent that the suit in O.S.No.163 of 1996 was decreed on 06.11.2003 and as against which, the respondent has filed an appeal in A.S.No.1 of 2004 before the Principal District Court, Tuticorin and the same is pending.

6.In view of the above, this Court is not inclined to interfere with the order of the trial Court and accordingly, this Civil Revision Petition is dismissed. However, it is always open to the petitioners to work out their remedy in the appeal said to have been filed by the respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

21.06.2022

Index : Yes / No.

Internet : Yes / No.

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The Subordinate Court, Thoothukudi.



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B.PUGALENDHI, J.

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Order made in
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21.06.2022