



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD)No.2130 of 2015 (NPD)

Srinivasan ... Petitioner/Respondent/ Defendant
Vs

Jeyaram ... Respondent/ Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 07.08.2015 passed in E.P.No.21 of 2015 in O.S.No.501 of 2000 on the file of the Principal District Munsif, Kuzhithurai and allow the present civil revision petition.

For Petitioner : Ms.J.Anandhavalli
For Respondent : Mr.B.Brijesh Kishore

ORDER

This civil revision petition has been filed as against the fair and decreetal order dated 07.08.2015 passed by the Principal District Munsif, Kuzhithurai in E.P.No.21 of 2015 in O.S.No.501 of 2000.

2.Vide the impugned order, the EP Court has ordered for delivery of possession in favour of the respondent/ plaintiff. Aggrieved over the same, the present civil revision petition has been filed on the ground that there is no separate upstairs portion in Door No.4/44.

3.The learned Counsel for the respondent submits that all the grounds raised by the petitioner have already been decided in the suit in O.S.No.501 of 2000 itself and the same went upto second appeal in S.A(MD)Nos.679 and 988 of 2006 and they were also dismissed by judgment dated 04.04.2014. Therefore, at this stage, there is no need to entertain this civil revision petition.

4.Heard the learned Counsel on either side and perused the materials placed on record.

5.It is seen from records that this Court while dismissing the second appeals in S.A(MD)Nos.679 and 988 of 2006, has observed that



the defendant has to be vacated from the premises. Therefore this Court is not inclined to interfere with this civil revision petition at this stage, when the delivery has been ordered by the EP Court.

6.Considering that the issue has been protracted for more than 20 years, the respondent is at liberty to file necessary application before the EP Court to take possession of the property and on filing of such application, the EP Court, shall dispose it of and ensure that the delivery is effected within a period of two weeks from the date of such application. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

dsk

To

1.Principal District Munsif,
Kuzhithurai

2.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.J. ANANDHAVALLI, Advocate (SR-27356[F] dated 22/06/2022)

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RD(01.07.2022) 2P 4C