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C.R.P.(NPD)No.1689 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P(NPD)No.1689 of 2019
and CMP.Nos.10907 & 13704 of 2019

1.Kaliyaperumal
2.Premnath

... Petitioners

vs

Ramalingam

.. Respondent

Petition filed under Section 115 of the Code of Civil Procedure challenging the fair and final order passed by District Munsif Court, Mannargudi, dated 10.01.2019 made in E.P.No.12 of 2016 in O.S.No.150 of 2013.

For Petitioners : Mr.C.Santhosh Kumar

For Respondent : Ms.R.Chithra Devi

ORDER

In an allegation that the civil revision petitioners were acting contrary to the decree passed in O.S.No.150 of 2013 on the file of the District Munsif Court, Mannargudi, E.P.No.12 of 2016 was presented.



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2.This Court on 10.01.2023 had directed the party to file an affidavit undertaking that he will not obstruct the access of the decree holder to the pathway. Despite the specific direction dated 10.01.2023, the petitioner did not file an affidavit. Consequently, this Court directed appearance of the party on 15.06.2023 by an order dated 13.06.2023. He did not appear and therefore, the matter was adjourned to 19.06.2023.

3.When the matter was listed before me on 04.07.2023, I had noticed that the party had not appeared on any of the aforesaid dates nor had he filed an affidavit of undertaking as stated by this Court in its order dated 10.01.2023. Consequently, I issued a bailable warrant on 02.08.2023. Mr.Premnath is present in Court today pursuant to the warrant that has been issued. As per the order of this Court dated 10.01.2023, he has filed an affidavit of undertaking. The relevant paragraphs are as follows:

'4.It is submitted that the present revision petition came up for hearing on 10.01.2023 before this Hon'ble Court and this Hon'ble Court after hearing both the side counsel, passed an order directing the parties to be present in the suit property on 24.01.2023 to make free the suit property free from any obstructions along with the assistance of Police and further directed the Petitioners herein to file an undertaking affidavit undertaking before this Hon'ble Court not to obstruct the Respondent from having access to his land and not to enter upon the land belonging to the Respondent in future.



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5. Accordingly, I am herewith undertaking for myself and for the 1st Petitioner that we will not disturb or obstruct the pathway leading to the Respondent's property any further in future. It is submitted that the Petitioners will not in any way obstruct the Respondent We are the 1st and 2nd Petitioners in the above Civil Revision Petition and as such we are well acquainted of the facts and circumstances of the case.

6. It is submitted that we are undertaking to act as per the above terms and we will not do any sort of disturbance to the Respondent herein and we will oblige to this Hon'ble Court's order.'

4. This complies with the order dated 10.01.2023. The judgment debtor having agreed to comply with the decree, I am not inclined to grant an order of arrest. On the contrary, he has seen what would be the result of his violations of the order and realising that, he has filed an affidavit of undertaking.

5. The affidavit of undertaking is taken on record. It shall form a part of the order in the revision. In the light of the above, the civil revision petition stands disposed of. The civil revision petitioner having appeared in person. His presence is dispensed with. No costs. Consequently, connected miscellaneous petitions are closed.

09.08.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs



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V. LAKSHMINARAYANAN,J.

VS

To

The District Munsif Court,
Mannargudi.

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