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C.R.P.No.1886 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

C.R.P.No.1886 of 2023

and

C.M.P.No.12032 of 2023

K.R.Ilavarasi

... Petitioner

Vs.

S.Usha

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code to allow the C.R.P. and set aside the fair and decreetal order dated 02.02.2023 passed in E.P.No.2678 of 2019 in O.S.No.590 of 2014 by the X Assistant City Civil Court, Chennai.

For Petitioner : Mr.K.Venkateswaran

For Caveator : Mr.R.Thiagarajan

ORDER

This revision is filed, challenging the orders passed in E.P.No.2678 of 2019 in O.S.No.590 of 2014 dated 02.02.2023 on the file of the X Assistant City Civil Court, Chennai.



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2. It is submitted by the learned counsel for the petitioner / Judgment Debtor that the Execution Court without considering the fact that the decree itself is a nullity, as decree was passed without considering the rights of the petitioner in the disputed land.

3. During the course of submissions, Mr.R.Thiagarajan, learned counsel for the Caveator, has submitted that E.P.No.2678 of 2019 in O.S.No.590 of 2014 has already been allowed and possession was also taken by the decree holder on 12.06.2023 and accordingly, the bailiff has also filed a report before the Court.

4. It is brought to the notice of this Court by the learned counsel for the petitioner that he moved an application in E.A.SR.No.36810 and 36811 of 2023 under Section 47 of C.P.C. and the said application was dismissed at a threshold on 03.06.2023. It is submitted by the learned counsel for the petitioner that the petitioner has filed an application for certified copies and soon after obtaining the copies, the petitioner intends to prefer revision.



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5. In view of the above, since the possession has already been delivered under the E.P.No.2678 of 2019 in O.S.No.590 of 2014 and thereby the decree holder has taken over the possession, this revision has become infructuous. This revision is, therefore, dismissed giving liberty to challenge the orders passed in E.P.No.2678 of 2019 in O.S.No.590 of 2014. The Execution Court is at liberty to terminate the execution petition by following the due process of law.

6. With the observations, this Civil Revision Petition is dismissed as infructuous. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

22.06.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
ab

To

- 1.The X Assistant City Civil Court, Chennai.
- 2.The Section Officer,
V.R.Section, High Court of Madras.



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Dr.D.NAGARJUN, J.

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