



WEB COPY



CRP No.3059 and 3060 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.3059 and 3060 of 2022
&CMP No.16480 & 16481 of 2022

1.Margrate Rita Petitioner in both petitions

-Vs-

1.G.Bhakthavathalam
2.Lakshmi

.... Respondents in both petitions

Prayer in CRP :No. 3059 of 2022 : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 16.09.2022 made by the learned Principal District Munsif, Alandur in E.A No. 1 of 2022 in E.P No. 3 of 2016 in O.S No. 514 of 2009 by allowing the above revision petition.

Prayer in CRP :No. 3060 of 2022 : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 16.09.2022 made by the learned Principal District Munsif, Alandur in E.A No. 2 of 2022 in E.P No. 3 of 2016 in O.S No. 514 of 2009 by allowing the above revision petition.

For Petitioner : Not appeared
(in both petitions)
For R1 : M/s.Jana Ranjani
(in both petitions)



WEB COPY

CRP No.3059 and 3060 of 2022



For R2 : Mr.G.Aruna Prasad
(in both petitions)

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the order dated 16.09.2022 made by the learned Principal District Munsif, Alandur in E.A No. 1 of 2022 and E.A No. 2 of 2022 in E.P No. 3 of 2016 in O.S No. 514 of 2009 by allowing the above revision petition.

2. The brief facts of the case are as follows:

Originally suit in O.S No. 514 of 2009 was filed by the first respondent herein for the relief of declaration and the same was decreed in favour of the first respondent. Thereafter, the first respondent filed execution petition in E.A No. 1 and 2 of 2022 in E.P No. 3 of 2016 in O.S No. 514 of 2009 and the same was ordered in favour of the first respondent. In the meanwhile, the petitioner herein filed first appeal before the Sub ordinate Judge, Alandur, and the same was dismissed. Thereafter, the petitioner preferred second appeal before this Court which is at SR stage (SA.Sr. No. 103487 of 2022). Hence the petitioner preferred this petition.

3. Heard the learned counsel for the respondents and there is no



representation on the side of the petitioner.

4. Considering the facts and circumstances of the case, it is seen that the petitioner has filed this petition stating that second appeal has been filed by the petitioner on 19.09.2022 which is at SR stage in S.A Sr. No. 103487 of 2022 hence the petitioner have statutory period for appeal till 13.12.2022. But the Court below without considering the above allowed E.A No.1 and 2 of 2022 to order police aid by directing the Inspector of Police, Chrompet to provide assistance to enforce the warrant of delivery. Now, near about six month was lapsed from the date of filing of the second appeal and the petitioner have remedy in second appeal.

5. Accordingly this Civil Revision Petition is dismissed as infructuous. No costs. Consequently connected miscellaneous petition is closed.

06.03.2023

Index : Yes/No
Internet : Yes/No
pbl



WEB COPY



CRP No.3059 and 3060 of 2022

T.V.THAMILSELVI, J.
pbl

CRP No.3059 and 3060 of 2022
&CMP No.16480 & 16481 of 2022

06.03.2023