



C.R.P.(NPD).No.3590 of 2017
and C.M.P.No.16869 of 2017

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.R.P.(NPD).No.3590 of 2017
and C.M.P.No.16869 of 2017

1.Rahila
2.Mohammed Iqbal

... Petitioners

Vs.

1.S.Sameema
2.Mohamed Muhasin
3.Ahamadha Umrana

... Respondents

Prayer: Petition filed under Section 115 of Civil Procedure Code, seeking to set aside the order passed in fair and final order dated 19.08.2017 passed in E.A.No.381 of 2017 in E.P.No.135 of 2013 on the of the learned I Additional Subordinate Judge, Erode.

For Petitioners : Mr.R.Nalliyappan

For Respondents : M/s.D.Chitra Maragatham
for Mr.T.R.Rajaraman



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ORDER

This revision is directed against an order dismissing E.A.No.381 of 2017, which the petitioner has taken out in E.P.No.135 of 2013 under Order XXI Rule 26 for stay of proceedings.

2.The respondent herein has filed O.S.No.902 of 2002 for recovery of possession of the suit property and was successful before all Courts. After the dismissal of S.A.No.1061 of 2014, the decree holder had preferred E.P.No.135 of 2013 for delivery of property on 27.11.2014. In the meantime, the judgment debtor / revision petitioner claims that they have filed a review petition in S.R.No.95220 of 2016 along with a petition for condonation of delay in filing the review petition.

3.Heard both sides.

4.It is 6 years since the review petition has been filed along with the petition for condonation of delay, but till date, the matter has not moved an inch. It is very apparent that the intend of the Judgment Debtor is to delay and defeat



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the decree which the respondent has obtained. The judicial process of this Court is seen grossly abused to hamstring justice due to the respondent by close to a decade now.

5.Hence, this civil revision petition is dismissed with an exemplary cost of Rs.10,000/- (Rupees Ten Thousand only) which is realizable before the Execution Court. Consequently, the connected miscellaneous petition is closed.

15.03.2023

Anu

Index : yes / no

Internet : yes / no

Speaking / non speaking

Copy to:

The I Additional Subordinate Judge, Erode .



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N.SESHASAYEE.J.,

Anu

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