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C.R.P(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P (MD) No.1475 of 2013

and

M.P (MD) No.1 of 2013

Radhakrishnan

... Petitioner / Respondent /
Defendant

Vs.

Johnsavio

... Respondent / Petitioner /
Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 24.07.2013 made in E.P.No.273 of 2013 in O.S.No.22 of 2005 on the file of the Sub Court, Padmanabhapuram.

For Petitioner : Mr.H.Velava Dhas

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed assailing the order passed by the learned Subordinate Judge's Court at Padmanabhapuram in E.P.No.273 of 2013 in O.S.No.22 of 2005 dated 24.07.2013. For the sake of convenience, the parties herein are referred herein as arrayed in Execution Petition in E.P.No.273 of 2013.

2. The learned Counsel for the petitioner is present today. Though the name of the sole respondent is printed in the cause list, there is no representation on the side of the respondent.

3. Heard the learned Counsel for the revision petitioner anxiously and perused the materials available on record. The learned Counsel for the revision petitioner took me through the various grounds of the Civil Revision Petition and the contents of the documents.



4. The revision petitioner herein is the defendant in the original suit and the respondent in the Execution Petition. The said E.P was filed seeking to deliver the schedule property to the decree holder from the judgment-debtor in terms of the order passed by the learned Subordinate Judge's Court, Padmanabhapuram in O.S.No.22 of 2005.

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5. From the perusal of the records and the arguments of the learned Counsel for the petitioner, it is understood that A.S.No.51 of 2006 before the District Court, Nagercoil was dismissed on 23.12.2010. As against which, the second appeal was also preferred, which is in S.R stage. The same was numbered as S.A.(MD)Sr.No.34456 of 2012 and in which M.P(MD)No.1 of 2013 was also filed for condoning the delay. Fairly the learned Counsel for the petitioner conceded that there is no stay in any of the said proceedings. Only referring to that, there is no stay before any of the Appellate Courts, the E.P Court was inclined to allow the said execution petition and I do not find any illegality or infirmity in the said order.

6. In view of the same, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

Sd/-

Assistant Registrar()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

BTR

To

1. The Subordinate Judge,
Padmanabhapuram.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P (MD) No.1475 of 2013
16.06.2023

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