



WEB COPY



C.R.P.(MD)No.331 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.331 of 2021

and

C.M.P.(MD)No.1866 of 2021

A.Chinnaramu

.. Petitioner

Versus

1.A.Nagarajan

2.P.Muthu

.. Respondents

Prayer:- Petition filed under Section 115 of C.P.C., against the impugned order of delivery dated 07.11.2020, made in E.P.No.12 of 2020 in O.S.No.78 of 2015, on the file of the District Munsif Court, Periyakulam, Theni District.

For Petitioner

:

Mr.R.Shankar Ganesh
for M/s.Ditum Law Firm

ORDER

This Civil Revision Petition has been filed against the impugned order, dated 07.11.2020, made in E.P.No.12 of 2020 in O.S.No.78 of 2015, on the file of the District Munsif Court, Periyakulam, Theni District.

2. The main ground of challenge to the impugned order is that the order has

been passed without mandatory notice to the petitioner.

<https://www.mhc.tn.gov.in/judis>



C.R.P.(MD)No.331 of 2021

3. The facts on record indicate that the petitioner herein is the second defendant in O.S.No.78 of 2015, on the file of District Munsif Court, Periyakulam, Theni District, filed by the first respondent herein. The said suit was decreed on 22.11.2018 and thereafter, further appeal in A.S.No.6 of 2019, filed by the petitioner, was also dismissed by the Subordinate Court, Periyakulam, Theni District, vide judgment and decree, dated 24.03.2020. Thereafter, in the E.P. proceedings, the Court has ordered delivery of the said property, by exercising the power under proviso to Rule 22(1) Order XXI of C.P.C.

4. Considering the fact that the property has already been delivered, there is no merit in the challenge to the impugned order at this distant point of time. Therefore, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

07.03.2023

To
The District Munsif,
Periyakulam, Theni District.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.331 of 2021

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