



WEB COPY



C.R.P(MD).Nos.1140 & 1086 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).Nos.1140 & 1086 of 2023

and

C.M.P(MD)No.5450 of 2023

1.S.Ghanshyam

2.S.Navinchand

... Petitioners/Petitioners/Respondents/
Defendants (in both petitions)

Vs.

S.Ramesh

... Respondent/Respondent/Petitioner/
Plaintiff (in both petitions)

COMMON PRAYER:- These Civil Revision Petitions have been filed under under Section 115 CPC, to set aside the fair and decree order made in E.A.Nos.1 & 2 of 2022 in E.P.No.13 of 2020 in O.S.No.227 of 2011 on the file of the 1st Additional District Munsif, Trichy, dated 05.12.2022, by allowing the revisions.

(in both petitions)

For petitioners : Mr.R.Sundar

COMMON ORDER

These Civil Revision Petitions have been filed by the petitioners to set aside the fair and decree order made in E.A.Nos.1 & 2 of 2022 in E.P.No.13 of 2020 in O.S.No.227 of 2011 on the file of the 1st Additional District Munsif, Trichy, dated 05.12.2022.



2.The petitioners are the defendants in O.S.No.227 of 2011 filed by the respondent/tenant for a permanent injunction to restrain the petitioners from interfering with the peaceful possession of the property. It appears that from the collateral proceedings were initiated against the petitioners under the provisions of the Rent Control Act. The suit that was filed by the respondent was decreed on 08.08.2014. It appears that the petitioners' property was demolished pursuant to the order of the Corporation. The respondent, in turn has filed EP.No.13 of 2020 to punish the petitioners for violating the judgment and decree dated 08.08.2014 in O.S.No.227 of 2011. Before the EP Court, the petitioners had already been cross-examined by the respondent. After the case was listed for argument, the petitioners have filed E.A.Nos.1 & 2 of 2022 for re-open and re-call P.W.1 for further examination. The Execution Court has dismissed the applications stating that the petitioners had not clearly stated what questions, the petitioners proposed to ask to the witness of the respondent (P.W.1).

3.The orders passed by the Court does not call for any interference after the property was demolished, pursuant to the direction of the Corporation. The document will speak for. There is no necessity for either the petitioners or the respondent to let in oral evidence in respect of the orders of the Corporation.



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4. Therefore, these Civil Revision Petitions are liable to be dismissed and accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

1. The 1st Additional District Munsif,
Trichy.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

dss

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