



C.R.P.(MD) No.1611 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1611 of 2023

and

C.M.P(MD) No.7887 of 2023

C.Alagar

... Petitioner

Vs.

Radha

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the order dated 01.06.2023 made in E.P.No.12 of 2013 in O.S.No.88 of 2008 by the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.M.Saravanan

ORDER

This Civil Revision Petition is preferred by the petitioner against the impugned order dated 01.06.2023 passed in E.P.No.12 of 2013 in O.S.No.88 of



C.R.P.(MD) No.1611 of 2023

2008 on the file of the District Munsif cum Judicial Magistrate Court, Natham,

WEB Dindigul District.

2. The petitioner is the defendant in O.S.No.88 of 2008 on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District. The said suit was filed by the respondent/plaintiff for declaration and for delivery of possession. The said suit was decreed in favour of the respondent/plaintiff on 23.03.2011, against which, the petitioner/defendant filed A.S.No.64 of 2011 before the Additional Sub Court, Dindigul. The said A.S.No.64 of 2011 was dismissed on 01.03.2013, against which also, the petitioner filed S.A.(MD)No. 729 of 2014 before this Court which is pending.

3. During the pendency of the second appeal before this Court, the delivery was ordered by the Trial Court *vide* the impugned order dated 01.06.2023 passed in E.P.No.12 of 2013 in O.S.No.88 of 2018 filed by the respondent/plaintiff. Thus, the present Civil Revision Petition is preferred by the petitioner/defendant.

3. Now, in the course of hearing in this Civil Revision Petition, the learned counsel appearing for the respondent filed a Memo stating that the



C.R.P.(MD) No.1611 of 2023

impugned delivery order dated 01.06.2023 in E.P.No.12 of 2013 in O.S.No.88 of 2018 was effected by Amin on 26.06.2023 and the possession was handed over to the respondent/plaintiff and recording the same, the Execution Petition was terminated by the Execution Court on 28.06.2023. To that effect, the learned counsel appearing for the respondent produced a certified copy of the report of the Amin and downloaded copy of the case status of E.P.

4. In view of the above, nothing survives in this Civil Revision Petition for consideration. The Memo filed by the learned counsel appearing for the respondent is recorded.

5. Accordingly, this Civil Revision Petition is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

10.07.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To

The District Munsif cum Judicial Magistrate Court,
Natham, Dindigul District.



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C.R.P.(MD) No.1611 of 2023

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