



C.R.P.(MD).No.2709 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(NPD)(MD)No.2709 of 2018

and

C.M.P(MD) No.11881 of 2018

Rangammal (Died)
Jeyaram (Died)

1. Kumutha
2. Jeyasri
3. Nathiya

... Revision Petitioners/Petitioners
Proposed Defendants

-vs-

1. Sahthyabama
2. Athilakshmi
3. Amutha

... Respondents 1 to 3/Respondents 1 to 3
/Plaintiffs

4. Saraswathi
5. Bhuvaneshwari
6. Balaji

... Respondents 4 to 6/ Respondents 4 to 6/
Defendants



C.R.P.(MD).No.2709 of 2018

WEB COPY

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C, to set aside the fair and executable order passed in I.A.No.109 of 2018 in O.S.No. 94 of 2015, dated 03.08.2018 on the file of the District Munsif Court, Bodinayakkanur.

For Petitioners : Mr.M.Senthilkumar

For Respondents : Mr.S.Kadarkarai for R1 to R3

ORDER

The present Civil Revision Petition has been filed by the petitioner under Section 115 of C.P.C, to set aside the fair and executable order passed in I.A.No.109 of 2018 in O.S.No.94 of 2015, dated 03.08.2018 on the file of the District Munsif Court, Bodinayakkanur.

2. The instant revision petition has been filed against the dismissal of the application filed under Section 5 of Limitation Act, to condone the delay in filing of the application to set aside the *ex parte* order which was passed against the petitioner in the final decree application.



C.R.P.(MD).No.2709 of 2018

WEB COPY

3. When the matter came up for hearing before this Court, the learned counsel for the respondents 1 to 3 has submitted that during the pendency of the civil revision petition, final decree was passed. In pursuance of the final decree, an Execution Petition in E.P.No.06 of 2020 has also been filed. In which, the Court has directed to deliver the possession, and in pursuance thereof, the petitioners handed over the possession of the property to the respondents 1 to 3/plaintiffs. Therefore, nothing survives in the revision petition.

4. The learned counsel for the petitioner also conceded about the outcome of the Execution Petition.

5. Hence, this Civil Revision Petition is **dismissed**. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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C.R.P.(MD).No.2709 of 2018

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- To
1. The District Munsif Court,
Bodinayakkanur.



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C.R.P.(MD).No.2709 of 2018

C.KUMARAPPAN,J.

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