



AS(MD). No.125 of 2019

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Wednesday, the Ninth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD). No.7470,7472,7474,7476,7478,7480 of 2018

in

CRP(MD)NOS 1313,1314,1316,1317,1318,and 1319 of 2018

CMP(MD). No.7470 in CRP(MD)NOS 1313

Anish Fathima,

... Petitioner/1st RESPONDENT

Vs

1 Amuthavalli,

... 1stRespondent/Petitioner

2 T.R.Najim

... 2nd Respondent/2ndRespondent

Prayer :-

This Miscellaneous Petition filed under order41 rule 21 of CPC to recall the order dated 03.07.2018 made in C.R.P.No.1313/2018 .



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CMP(MD). No.7472 in CRP(MD)NOS 1314

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Riyas Ahamed

Petitioner/1st RESPONDENT

VS

1. 1Amuthavalli,

... 1stRespondent/Petitioner

2. A.Muhamed Bilal

... 2nd Respondent/2ndRespondent

Prayer :

This Miscellaneous Petition filed under order 41 rule 21 of CPC to recall the order dated 03.07.2018 made in C.R.P.No.1314 / 2018 .

CMP(MD). No.7474 in CRP(MD)NOS 1316

Johnson,

.. Petitioner / 1st Respondent

VS

1. Amuthavalli

..1 st Respondent/Petitioner

2. A.Yesuraj

.. 2nd Respondent/ 2nd Respondent



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Prayer in CMP(MD). 7474/ 2018 :

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This Miscellaneous Petition filed under order 41 rule 21 of CPC to recall the order dated 03.07.2018 made in C.R.P.No.1316 / 2018 and thus render justice.

CMP(MD). No.7476 in CRP(MD)NOS 1317

Senthamarai

.. Petitioner / 1st Respondent

- Vs. -

1. Amuthavalli

..1st Respondent/Petitioner

2. Serparasan

.. 2nd Respondent/ 2nd Respondent

Prayer

This Miscellaneous Petition filed under order 41 rule 21 of CPC Pleased to recall the order dated 03.07.2018 made in C.R.P.No.1317 / 2018 and thus render justice.

CMP(MD). No.7478 in CRP(MD)NOS 1318

1. Syed Ibrahim

.. Petitioner / 1st Respondent



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1. Amuthavalli
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..1 st Respondent/Petitioner

2. Paresh M.Lalani

2nd Respondent/ 2nd Respondent.

Prayer

This Miscellaneous Petition filed under order 41 rule 21 of CPC Pleaded to recall the order dated 03.07.2018 made in C.R.P.No.1318 / 2018 and thus render justice.

CMP(MD). No.7480 in CRP(MD)NOS 1319

A.Sundharamoorthi

.. Petitioner / 1st Respondent

vs

1. Amuthavalli

...1 st Respondent/Petitioner

2. Ravichandran

....2nd Respondent/ 2nd Respondent.

Prayer :

This Miscellaneous Petition filed under order 41 rule 21 of CPC to recall the order dated 03.07.2018 made in C.R.P.No.1319 / 2018.



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ORDER:- These Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. S. Sitharthan, Advocate for the Petitioner and of Ms. G.Gomathisankar for the respondent(s), this Court made the following order:

The learned counsel for the petitioner submitted that he has no instructions from his client.

2. On perusal of the record, it appears that the instant applications have been filed to re-call the order passed in C.R.P(MD)Nos.1313, 1314, 1316, 1317, 1318 and 1319 of 2018, dated 03.07.2018. The relevant portion of the order is extracted hereunder:

"6.On a perusal of records, it is seen that the decree has been passed in the years 2015 and 2016 and execution petitions also filed in 2016 and the same was pending for more than 2 years, but the Court below has not taken any expedite steps to deliver the suit property as per the decree, since the executing Court has bounden duty to execute the decree. Therefore, this Court directs the learned District Munsif-cum-Judicial Magistrate, Kodaikanal, Dindigul District, to



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dispose of E.A.Nos.8, 9, 10, 11, 12, 13 and 14 of 2018, within a period of two weeks from the date of receipt of a copy of this order on day-to-day basis without giving any adjournment to both the parties and dispose of E.P.Nos.15, 16, 17, 18, 19, 20 and 23 of 2016, within a period of four weeks thereafter."

3. The learned counsel for the respondent submits that in pursuance of the direction of this Court, the possession of the suit property has already been delivered to the landlord and the E.P.Nos.15, 16, 18, 19, 20 and 23 of 2016 was disposed of on 10.07.2019. Therefore, nothing survives in the civil miscellaneous petition.

4. In the result, these civil miscellaneous petitions are dismissed as infructuous.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO



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**DISTRICTMUNSIFF CUM MAGISTRATE COURT,
KODAIKANAL**

ORDER DATED : 09/08/2023

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ORDER

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**CMP(MD). No.7470,7472,7474,7476,7478,7480 of 2018
in
CRP(MD)NOS 1313,1314,1316,1317,1318,and 1319 of 2018**

**Giving direction and etc.
as stated within.**

DL/(08.09.2023)/ 7P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.