



C.R.P.(MD)No.2577 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2577 of 2023

P.Shajahan

... Petitioner/
Respondent/
Respondent

Vs.

A.Victor Mature (Died)

1. M.Maria Roach Jayabai

2. V.Aswin Eupsio

3. V.Nijan Rexio

... Respondents/
Implead
petitioners

Prayer : This Civil Revision Petition filed under Section 115 of C.P.C., to set aside the petition and order dated 13.09.2023 made in E.P.No.24 of 2017 in R.C.O.P.No.4 of 2010 on the file of the I Additional District Munsif Court cum Rent Controller, Nagercoil, Kanniyakumari District.

For Petitioner : Mr.G.Aravninthan

For Respondents : Mr.R.Murugan



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ORDER

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The Civil Revision Petition is directed against the order passed in E.P.No.24 of 2017 in R.C.O.P.No.4 of 2010 dated 13.09.2023 on the file of the 1st Additional District Munsif Court, Nagercoil (Rent Controlled), ordering delivery.

2. It is evident from the records that the deceased respondent Victor Mature has filed a petition in R.C.O.P.No.4 of 2010 against the present revision petitioner and the same was ordered on 05.04.2017 and that the decree holder has filed an eviction petition in E.P.No.24 of 2017. Meanwhile, the revision petitioner has preferred an appeal in R.C.A.No.21 of 2017 and the same was ordered to be dismissed on 29.08.2018. Challenging the dismissal of the Rent Control Appeal, the revision petitioner has preferred a revision in C.R.P.(NPD)(MD)No.2456 of 2018 before this Court and the same was also ordered to be dismissed on 08.09.2021 directing the revision petitioner to vacate the premises within a period of two months from the date of receipt of copy of that order and that thereafter, the revision petitioner has filed an extension application in C.M.P.(MD)No.5551 of 2022 before this Court and the learned Judge of this Court, vide order dated 20.07.2022, has dismissed the same.



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Subsequently, enquiry was conducted in the Execution Petition and delivery was ordered on 13.09.2023 directing delivery by 05.10.2023.

3. As rightly contended by the learned counsel appearing for the respondents, this Court, while dismissing the Civil Revision Petition, has specifically directed the revision petitioner to vacate the premises within a period two months and without complying with the above said order, the revision petitioner has filed the extension application and the same was also dismissed by this Court and that subsequently, he had taken part in the execution proceedings and delivery was ordered.

4. Considering the above facts and circumstances, this Court has no hesitation to hold that the revision petitioner has filed the above application only to delay the proceedings further and thereby, preventing the decree holder from realising the fruits of the delivery order. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

09.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The I Additional District Munsif Court cum
Rent Controller, Nagercoil,
Kanniyakumari District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2577 of 2023

Dated : 09.10.2023