



C.R.P.(MD)No.2980 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2980 of 2023

and

C.M.P.(MD)No.15367 of 2023

1. M.Krishnan

M.Angammal (Died)

2. Shanthi

... Petitioners

Vs.

T.Balaraman

... Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the fair and decreetal order dated 30.08.2023 in E.P.No.42 of 2015 in R.C.O.P.No.1 of 2010 on the file of District Munsif Court, Bodinayakkanur, Theni District.

For Petitioners : Mr.R.Manickam



WEB COPY



C.R.P.(MD)No.2980 of 2023

ORDER

The Civil Revision Petition is directed against the order passed in E.P.No.42 of 2015 in R.C.O.P.No.01 of 2010 dated 30.08.2023 on the file of the District Munsif Court, Bodinayakkanur, ordering delivery of the property.

2. It is seen from the records that the respondent has filed an eviction petition in R.C.O.P.No.01 of 2010 and eviction was ordered on 30.01.2015, that the revision petitioners have preferred an appeal in R.C.A.No.4 of 2015, that since they have not taken steps for impleading the legal representatives of the deceased M.Angammal, the appeal was ordered to be dismissed for default on 20.10.2021 and that thereafter, the revision petitioners have filed a restoration application on 22.03.2023 and the same is now pending.

3. It is seen that meanwhile, the decree holder has filed the execution petition in the year 2015 and that the learned District Munsif, after noting that the appeal was already dismissed and that there was no



C.R.P.(MD)No.2980 of 2023

WEB COPY

order of staying the operation of the eviction order, has passed the impugned order for delivery.

4. It is seen from the records that the eviction proceedings are pending from 2010 and that though the landlord had obtained the eviction order in the year 2015, he is unable to realise the fruits of the eviction order till now.

5. Though the revision petitioners have preferred the appeal in the year 2015, they have allowed the appeal to be dismissed for default in the year 2021 and immediately, they have not taken steps to restore the same. Hence, the impugned order for delivery cannot be found fault with.

6. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

15.11.2023

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



WEB COPY



C.R.P.(MD)No.2980 of 2023

K.MURALI SHANKAR,J.

csn

To

1. The District Munsif Court,
Bodinayakkanur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2980 of 2023
and
C.M.P.(MD)No.15367 of 2023

Dated : 15.11.2023