



C.R.P.(MD)No.2629 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2629 of 2023
and
C.M.P.(MD)No.13724 of 2023

Ilayaraja : Petitioner/Proposed Respondent/
Proposed Respondent

Vs.

1.K.Shanmuganathan : Respondent/Petitioner/
Petitioner

2.Sivasakthi : Respondent/Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Section 227 of Constitution of India, to call for the entire records pertaining to the return endorsement, dated 20.09.2023 in E.A.Sr.No.3619 of 2023 made by the learned Principal District Munsif Court, Valliyoor, Tirunelveli District in E.P.No.17 of 2022 in R.C.O.P.No.1 of 2021 and set aside the same and consequently, direct the learned Judge to take up the said application on file and dealt with the same by passing appropriate orders in accordance with law.



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For Petitioners : No Appearance

For Caveator : Mr.K.Krishna, for R1.

ORDER

The Civil Revision Petition is directed against the order of return endorsement, dated 20.09.2023 in E.A.Sr.No.3619 of 2023 made by the Principal District Munsif Court, Valliyoor, Tirunelveli District in E.P.No. 17 of 2022 in R.C.O.P.No.1 of 2021 and set aside the same.

2. It is evident from the records that the first respondent has filed an eviction petition against the second respondent and eviction was ordered and that subsequently, the decree holder/first respondent has laid the execution petition. During the pendency of the execution petition, the husband of the second respondent/tenant has filed the above application to implead him alleging that he is the original tenant.

3. When the matter was taken up for hearing on 16.11.2023, there was no representation for the revision petitioner and the case was posted for final disposal today (06.12.2023).



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4. When the matter is taken up for hearing today (06.12.2023), the learned counsel for the first respondent would submit that the Executing Court has already passed an order for delivery and the Court Amin has already taken possession and the same was handed over to the decree holder and that the Executing Court, recording the same, has terminated the proceedings on 18.10.2023 and he has also produced the copy of the order passed in E.P.No.17 of 2022 in R.C.O.P.No.1 of 2021, dated 18.10.2023.

5. Even today, there is no representation of the petitioner. Since the possession was already taken and handed over to the decree holder, nothing survives for further adjudication in the present revision. In view of the above, the Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

- 1.The Principal District Munsif Court,
Valliyoor, Tirunelveli District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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and

C.M.P.(MD)No.13724 of 2023

Dated : 06.12.2023