



C.R.P.(MD)No.2780 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2780 of 2023

and

C.M.P.(MD)No.14522 of 2023

Latharani Elizabeth

... Petitioner/
Respondent/
Defendant

Vs.

Dharmalingam

... Respondent/
Petitioner/
Plaintiff

Prayer : This Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order made in E.P.No. 241 of 2022 in O.S.No.599 of 2017 on the file of the Principal Subordinate Judge, Dindigul dated 14.08.2023.

For Petitioner : Mr.D.Venkatesh



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ORDER

The Civil Revision Petition is directed against the order passed in E.P.No.241 of 2022 in O.S.No.599 of 2017 dated 14.08.2023 on the file of the Principal Subordinate Court, Dindigul, ordering delivery.

2. It is seen from the records that the respondent has filed a suit in O.S.No.599 of 2017 for recovery of possession and after trial, the suit was decreed on 01.06.2022 and that thereafter, the decree holder has filed an execution petition in E.P.No.241 of 2022 seeking delivery of possession.

3. The learned counsel appearing for the revision petitioner would submit that earlier to the present suit, the revision petitioner has filed a suit in O.S.No.35 of 2017 claiming permanent injunction not to evict him except under due process of law and that during the pendency of the above suit, the respondent has filed a counter claim for recovery of rent, but the same was rejected.

4. A cursory perusal of the judgment passed in O.S.No.35 of 2017 would show that the learned trial Judge has observed that though the defendants therein have filed their counter claim, the same was taken only



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as written statement and after trial, decreed the suit granting permanent injunction in favour of the revision petitioner.

5. The learned counsel appearing for the revision petitioner would submit that the revision petitioner challenging the judgment and decree passed in O.S.No.599 of 2017 has preferred an appeal along with an application to condone the delay in filing the same and the same is pending.

6. When the matter is taken up for hearing today, the learned counsel appearing for the revision petitioner would submit that the Court has taken the possession of the property yesterday (31.10.2023).

7. Considering the above, nothing survives for further adjudication. Hence, this Civil Revision Petition is dismissed as infructuous. Consequently, connected Miscellaneous Petition is closed. No costs.

01.11.2023

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



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K.MURALI SHANKAR,J.

csn

To

1. The Principal Subordinate Court,
Dindigul.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2780 of 2023
and
C.M.P.(MD)No.14522 of 2023

Dated : 01.11.2023