



C.R.P(MD)Nos.2323 and 2324 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P.(MD)Nos.2323 and 2324 of 2013
and M.P(MD)Nos. 1 and 1 of 2013 and 1 and 1 of 2014

Isak

... Petitioner/3rd Respondent/
3rd Respondent/3rd Defendant

Vs.

Mariannadhoss (died)

Santhanasami (died)

1.Arulanandham

2.Pilavendhiran

3.Reginamary

4.Ganaraj

5.Arulmeri

6.Meri

7.Eanjala

... Respondents 1 to 7/Respondents 3 to 9/
Plaintiffs 3 to 9

8.Reettameri

9.Soosaipaul

10.Andhoni Mariyal

11.Rebakkal

12.Jeevanandham

13.Nesamanickam

14.Domass

15.Johnson

...Respondents 8 to 15/REspondents 8 to
17/Petitioners 8 to 17/Not a parties

Dasan (Died)



C.R.P(MD)Nos.2323 and 2324 of 2013

Arulunantham (Died)

16.Arokkiyasamy

17.Kossdurai

18.Roslin

..Respondents 16 & 18/Respondents 4 & 6/
Respondents 4 & 6/ Not a parties

PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the order dated 11.06.2013 made in E.A.Nos.14 and 15 of 2013 in E.P.No.16 of 2010 in O.S.No.506 of 1990 on the file of the District Munsif Court, Pattukottai.

For Petitioner	: Mr. A.Suresh Babu
For R1 to R15	: Mr.P.Thiagarajan
For R17 – R22	: No appearance
R16	: Dismissed

COMMON ORDER

These Civil Revision Petitions are preferred as against the order passed in E.A.Nos.14 and 15 of 2013 in E.P.NO.16 of 2020 in O.S.No.506 of 1990 on the file of the District Munsif Court, Pattukkottai.

2. The revision petitioner is the third defendant in the original suit and the third respondent in the Execution Petition and the third respondent in the



Execution Application as well. The revision petitioner is the judgment debtor in O.S.No.506 of 1990 and all other respondents are decree holders. The suit was one for declaration and recovery of possession of the suit schedule property. The matter went upto the Supreme Court and finally S.L.P.No.29260 of 2013 was dismissed by the Supreme Court on 09.09.2013. The original suit was decreed as early as on 25.09.1992. The judgment debtors of that decree managed to remain in possession and enjoyment of the suit schedule property for almost 2 decades by filing various applications before various courts. In view of the fact that the matter reached up to the Supreme Court and the Supreme Court dismissed the Special Leave Petition, they have filed the present Civil Revision Petitions as against the order passed by the executing court in E.A.Nos.14 and 15 of 2013.

3. During the pendency of the Civil Revision Petitions, the 1st respondent died and the 16th respondent also died. As far as the 16th respondent is concerned, M.P.(MD)No.1 of 2014 was filed to bring on record the proposed respondents 19 to 22 as the legal heirs of the 16th respondent and that was dismissed on 22.03.2018. To restore M.P(MD)No.1 of 2014, the judgment debtors/revision petitioners herein have filed C.M.P(MD)Nos.9296 and 9297 of 2019 and the said applications were dismissed on 13.12.2021. Hence, this Civil Revision Petition is dismissed as abated as against the 16th respondent.



C.R.P(MD)Nos.2323 and 2324 of 2013

4. As far as the 1st respondent is concerned, he died on 25.05.2012 and the factum of death was brought to the notice of this Court by the respondents 2 to 15 on 03.02.2014. Despite information was communicated to the petitioner's counsel on 03.02.2014, no steps were taken by the revision petitioner to bring on record the legal heirs of the deceased 1st respondent.

5. The respondents 1 and 16 are the decree holders and until and unless the legal heirs of the respondents 1 and 16 are brought on record, this Civil Revision Petition could not survive. These Civil Revision Petitions are dismissed as abated as against the respondents 1 and 16. In view of the same, these Civil Revision Petitions cannot be proceeded as against other respondents and hence, the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.03.2023

Index : Yes/No
Internet : Yes/No
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C.R.P(MD)Nos.2323 and 2324 of 2013

To

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1. The District Munsif Court, Pattukottai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)Nos.2323 and 2324 of 2013

L.VICTORIA GOWRI, J.

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C.R.P.(MD)Nos.2323 and 2324 of 2013
and M.P(MD)Nos. 1 and 1 of 2013 and 1 and 1 of 2014

24.03.2023