



C.R.P.(NPD).Nos.1409 and 1410 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).Nos.1409 and 1410 of 2015
and
M.P.No.1 and 1 of 2015

N.Babu

... Petitioner (in both CRPs)

VS

P.Kannan

... Respondent (in both CRPs)

Prayer in C.R.P.(NPD).No.1409 of 2015: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to strike off the CMA No.7 of 2014 on the file of the learned 1st Additional Subordinate Judge, Villupuram.

Prayer in C.R.P.(NPD).No.1410 of 2015: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Docket order in I.A.No.131 of 2014 in CMA No.7 of 2014 on the file of the learned 1st Additional Subordinate Judge, Villupuram.



C.R.P.(NPD).Nos.1409 and 1410 of 2015

For Petitioner : Mr.N.Suresh
(in both CRPs)

For Respondent : Not Ready in Notice
(in both CRPs)

COMMON ORDER

The Civil Revision Petition in C.R.P.(NPD).No.1409 of 2015 has been filed by the petitioner seeking to strike off C.M.A.No.7 of 2014 filed by the respondent challenging the dismissal of the application filed by him under Order 21 Rule 106 of the Civil Procedure Code to set aside the exparte order dated 25.11.2013 passed in E.A.No.19 of 2013 in E.P.No.92 of 2011.

2. The Civil Revision Petition in C.R.P.(NPD).No.1410 of 2015 is filed challenging the interim order granted by the 1st Additional Subordinate Court, Villupuram in I.A.No.131 of 2014 in C.M.A.No.7 of 2014 filed by the respondent challenging the order passed by the Executing Court dismissing his application filed under Order 21 Rule 106 of the Civil Procedure Code seeking to set aside the exparte order passed in E.A.No.19 of 2013 in E.P.No.92 of 2011.

3. When these civil revision petitions are taken up for hearing, the



C.R.P.(NPD).Nos.1409 and 1410 of 2015

learned counsel appearing for the petitioner submits that in execution petition delivery was effected in favour of the petitioner on 25.09.2014 and execution petition is also terminated. The said statement is recorded.

4. In view of the fact the delivery is effected in favour of the petitioner and execution petition also terminated, the civil revision petition filed by the petitioner in C.R.P.(NPD).No.1410 of 2015 challenging the interim order passed in I.A.No.131 of 2014 in C.M.A.No.7 of 2014 has become infructuous. Therefore, nothing survives for further consideration in this civil revision petition and accordingly, C.R.P.(NPD).No.1410 of 2015 is dismissed as infructuous.

5. As far as the civil revision petition in C.R.P.(NPD).No.1409 of 2015 is concerned, the learned counsel appearing for the petitioner submitted that against the dismissal of the petition filed under Order 21 Rule 106 of the Civil Procedure Code, no appeal will lie and hence, the appeal filed by the respondent in C.M.A.No.7 of 2014 is liable to be struck off from the file.

6. It is open to the petitioner to raise the said point before the Appellate



C.R.P.(NPD).Nos.1409 and 1410 of 2015

Court and parties are at liberty to agitate their rights before the 1st Additional Subordinate Judge, Villupuram in C.M.A.No.7 of 2014 provided the said appeal is still pending on its file.

7. With these observations, the civil revision petition in C.R.P.(NPD).No.1409 of 2015 is disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.

07.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.(NPD).Nos.1409 and 1410 of 2015

To

WEB COPY
The 1st Additional Subordinate Judge,
Villupuram.



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C.R.P.(NPD).Nos.1409 and 1410 of 2015

S.SOUNTHAR, J.

dm

C.R.P.(NPD).Nos.1409 and 1410 of 2015

07.03.2024