



C.R.P(MD)No.669 of 2006

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.669 of 2006

and

M.P(MD)Nos.1 & 2 of 2006

1. Correspondent,
St.Antony's Higher Secondary School,
Alagappapuram,
Kanyakumari District.
2. Most Rev.Bishop of Tuticorin,
Thoothukudi Diocese,
Manager of R.C Schools,
Tuticorin.
3. The Superintendent of R.C Schools,
Bishop's House,
Tuticorin.
4. Vicariate Superintendent of R.C Schools,
Vallioor Vicariate,
Kallikulam Post,
No.6/47-L, Dr.Roos Town,
T.Kallikulam-627 113,
Nellai District.

... Petitioners

Vs.

Punitha Poomagal

... Respondent



C.R.P(MD)No.669 of 2006

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the order in E.A.No.292 of 2004 in E.P.No. 367 of 2004, dated 01.08.2006.

For Petitioner : Mr.K.Sree Kumaran Nair

ORDER

The judgment debtors in O.S.No.63 of 2001 as the revision petitioners had filed the revision petition challenging the order in the execution proceedings wherein they were directed to comply with the decree, dated 26.06.2001 or else they should be arrested and produced before the Court on 06.09.2006. Challenging the said order, the present revision petition has filed and an order of interim stay has been granted on 11.10.2006.

2. The defendants had filed S.A.No.50 of 2003 challenging the decree in O.S.No.63 of 2001 as confirmed in A.S.No.92 of 2001. When the second appeal and the revision petition were pending, the decree holder had passed away on 25.09.2022. Therefore, by way of a separate order, this Court has closed the second appeal in S.A.No.50 of 2003 on the ground that the decree has become in-executable due to the death of the original decree holder. When the decree has become in-executable,



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the question of arresting the judgment debtors for non-compliance of the said decree would not arise. That apart, since the decree holder has passed away, the defendants are not in a position to issue any appointment order in compliance with the decree of the trial Court, dated 26.06.2001. That apart, no steps have been taken to implead the legal heirs of the deceased plaintiff in the present revision petition for the past 2 years.

3. Considering the above said facts, the Civil Revision Petition stands dismissed as abated. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

05.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Principle District Munsif,
Nagercoil.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Order made in
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