



C.R.P(MD)No.1361 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.1361 of 2019

and

C.M.P(MD)No.7318 of 2019

The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

... Petitioner / Respondent

Vs

E.S.Mohamed Sahib (died),

1.E.M.Abdul Rasak (Died)

2.E.M.Fathimal Beevi

3.E.M.Mohamed Ali(Died)

4.E.M.Subaidal Beevi

5.E.M.Nafiyal Beevi

6.E.M.Abdul Ali

7.E.M.Abdul Kayyum

8.E.S.Hidayathula

9.E.S.Subbaidal Beevi



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10. E.S.Sahudhana Beevi

11.E.S.Mohamed Sabib (Died)

12.Mohamed Sahul Hameed

13.E.A.Ibrahim

(R12 and R13 are brought on record
as LR's of the deceased R1, vide Court
order dated 13.06.2024)

14.Abdul Wahid

15.Abdul Kabur

16.Hajara Beevi

17.Sulaiman Raheem

(R16 and 17 are brought on record
as LR's of the deceased R11 vide
Court order dated 25.06.2024)

... Respondents / Claimants

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decretal order passed in E.P.No.47 of 2014 in L.A.O.P.No.91 of 1987 dated 02.07.2019 on the file of the Principal Subordinate Court, Tenkasi, allow the Civil Revision Petition.

For Petitioner : Mr. N.Ramesh Arumugam
Government Advocate

For Respondents : No appearance



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ORDER

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This Civil Revision Petition is filed to set aside the fair and decreetal order passed in E.P.No.47 of 2014 in L.A.O.P.No.91 of 1987 dated 02.07.2019 on the file of the Principal Subordinate Court, Tenkasi, allow the Civil Revision Petition.

2. A report was called for from the learned Principal Subordinate Judge, Tenkasi, as to the stage of the execution proceedings. The report is received stating that ex parte order was passed in E.P.No.47 of 2014. To set aside the ex parte order E.A.No.6 of 2024 is filed by the revision petitioner and it is posted for filing counter.

3. In view of the above submission, the petitioner is directed to work out remedy in the E.A. Petition itself. There shall be a direction to the learned Principal Subordinate Judge, Tenkasi, to dispose of the E.A.No.6 of 2024 within a period of one month from the date of receipt of a copy of this order. Depending upon the outcome of the E.A. petition, further proceedings can be taken by the parties, if so aggrieved.



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4. With the above said direction and liberty, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

25.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Principal Subordinate Judge, Tenkasi.
- 2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
IN
C.R.P(MD)No.1361 of 2019
and
C.M.P(MD)No.7318 of 2019

25.11.2024