



C.R.P.(MD)No.2220 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2220 of 2019
and
C.M.P.(MD)No.11562 of 2019

1. M.Mohammed Saleem

2. V.Nalla Ibrahim

... Petitioners

Vs.

1. M.Halbadulla

2. Saibunnisha Beevi

3. NasrulHameed

4. Halitha Banu

5. S.Abdul Rasid

6. A.Dansila Begum

7. Cumbum Municipality
through its Commissioner
Cumbum Town
Uthamapalayam Taluk
Theni District.

... Respondents

*(set ex parte no notice is necessary
Respondents 2 to 7 is given up)*



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Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of delivery dated 01.07.2017 made in E.P.No.61 of 2014 in O.S.No.130 of 2009 on the file of the District Munsif, Uthamapalayam.

For Petitioners : Mr.R.Suriyanarayanan

For R1 : Mr.V.George Raja
for M/s.Ajmal Associates

For R7 : M/s.Hema Karthikeyan

ORDER

The Civil Revision Petition is directed against the order passed in E.P.No.61 of 2014 in O.S.No.130 of 2009 dated 01.07.2017 on the file of the District Munsif Court, Uthamapalayam, ordering delivery.

2. When the matter is taken up for hearing today, the learned counsel appearing for the revision petitioners would submit that the first revision petitioner has preferred an appeal in A.S.No.17 of 2016 challenging the judgment and decree passed in O.S.No.130 of 2009 dated 30.01.2014 before the Subordinate Court, Uthamapalayam and the learned Subordinate Judge has passed a judgment and decree dated 28.02.2020 allowing the appeal and thereby setting aside the judgment and decree



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passed in O.S.No.130 of 2009 and he has also produced the copy of the judgment and decree passed in A.S.No.17 of 2016.

3. Since the above execution petition has been filed in pursuance of the judgment and decree passed in O.S.No.130 of 2009 and that the said judgment itself has already been set aside by the appellate Court, the impugned order, directing delivery is liable to be set aside.

4. In the result, this Civil Revision Petition is allowed and the impugned order passed in E.P.No.61 of 2014 in O.S.No.130 of 2009 dated 01.07.2017 is hereby set aside. Consequently, connected Miscellaneous Petition is closed. No costs.

04.03.2024

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

To

1. The District Munsif Court,
Uthamapalayam.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2220 of 2019
and
C.M.P.(MD)No.11562 of 2019

Dated : 04.03.2024