



C.R.P(MD)No.647 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No. 647 of 2024

and

C.M.P(MD)No.3231 of 2024

Emthiyas Meeran

...Petitioner

Vs.

Mohamed Sali

....Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decretal order dated 08.11.2023 passed by the learned Principal District Munsif Court, Tirunelveli in E.A.No.3 of 2023 in E.P.No. 111 of 2022 in R.C.O.P.No.21 of 2018 and set aside the same and consequently setaside the delivery warrant issued by the learned Principal District Munsif Court, Tirunelveli dated 07.07.2023.

For Petitioner : Mr. K.Navaneetharaja

For Respondent : No appearance



C.R.P(MD)No.647 of 2024

WEB COPY

ORDER

This Civil Revision Petition is filed to call for the records pertaining to the fair and decreetal order dated 08.11.2023 passed by the learned Principal District Munsif Court, Tirunelveli in E.A.No.3 of 2023 in E.P.No.111 of 2022 in R.C.O.P.No.21 of 2018 and set aside the same and consequently set aside the delivery warrant issued by the learned Principal District Munsif Court, Tirunelveli dated 07.07.2023.

2. The R.C.O.P.No.21 of 2018 was instituted by one Mohamed Sali against this petitioner and other. That was allowed by order dated 04.11.2019. This is an *ex parte* order. Later on the basis of the *ex parte* order, the respondent filed E.P.No.111 of 2022 seeking delivery of the property. In that petition also, the revision petitioner remained *ex parte*. He filed an application to set aside the *ex parte* order. That application came to be dismissed, against which this revision has been preferred.



C.R.P(MD)No.647 of 2024

WEB COPY

3. Learned counsel for the petitioner would submit that subsequent development must be brought on record before the execution Court, in view of the passing of the order by the Estate Officer, in Case No.PP.109/TNV/2022 dated 31.03.2023. Subsequently, an *ex parte* order has been passed by the Execution Court on 07.07.2023. In that order, it has been observed by the Execution Court that in spite of repeated adjournments, there was no appearance by the revision petitioner. Delivery warrant was also issued on 07.07.2023. At the length of time, the petition to set aside the *ex parte* order is not allowable.

4. However, in the light of the developments, the order passed by the Principal District Munsif Court, Tirunelveli in E.A.No.3 of 2023 in E.P.No.111 of 2022 in R.C.O.P.No.21 of 2018, is liable to be set aside.



C.R.P(MD)No.647 of 2024

WEB COPY

5. On that account, this Civil Revision Petition is allowed and the revision petitioner is given a chance to contest the E.P.No.111 of 2022 before the Principal District Munsif Court, Tirunelveli, on payment of cost of Rs.2,000/- (Rupees Two Thousand only) to the credit of the case number before the execution Court. No costs. Consequently, connected miscellaneous petition stands closed.

26.03.2024

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

pnn

To

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



WEB COPY



C.R.P(MD)No.647 of 2024

G. ILANGO VAN, J.

pnn

C.R.P(MD)No. 647 of 2024
and
C.M.P(MD)No.3231 of 2024

26.03.2024