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C.R.P.(NPD) No.1511 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(NPD)No.1511 of 2017
and C.M.P.No.7027 of 2017

Chinnappillai (Deceased)
Chinnapillai (Deceased)
Taiyalnayagi (Deceased)

1.Krishnamurthy
2.Chellappan

Panchali (Deceased)

3.Gunasekaran

... Petitioners

Vs

1.Chellammal
2.Ganesamurthy
3.Thangarasu

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908, against the fair and decretal order dated 28.02.2017 passed in E.A.No.117 of 2012 in E.P.No.34 of 2009 in O.S.No.68 of 1986 by the learned District Munsif, Sirkali.

For Petitioner : Mr.N.S.Sriram Prabu
for Mr.P.Anbarasan

For Respondents :



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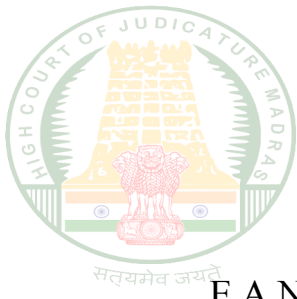
ORDER

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The Suit is of the year 1986. After the decretal of the Suit in O.S.No.68 of 1986, a petition in E.P.No.34 of 2009 and E.A.No.117 of 2012 was filed. We find the Execution Court has recorded that pursuant to the decree passed in O.S.No.68 of 1986, no appeal was preferred by the defendants therein. Originally the Suit in O.S.No.68 of 1986 was filed for recovery of possession and the same was decreed in favour of the respondents herein. E.A.No.117 of 2012 was filed with the very same content which was found in the Suit. The trial Court has dismissed the E.A.No.117 of 2012 as not maintainable. Challenging the same, the present petition is filed.

2.At the time of Admission, this Court had directed the revision petitioner to take notice on the contesting respondents / plaintiffs in the suit, who have succeeded before the trial Court. From the cause list, it is seen that the affidavit of service has not been filed before the Registry, however, the notice has been served on the 1st and 2nd respondent. Proof of paper publication for R3 is also not filed.

3.Due to improper service of notice, the application filed in



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E.A.No.117 of 2012, which is now under challenge, needs no interference of this Court. The Civil Revision Petition stands dismissed accordingly. No costs.

15.04.2025

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Index: Yes / No
Neutral Citation

N.SENTHILKUMAR, J.



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