



C.R.P.[NPD].No.5306 of 2024
and C.M.P.No.29551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD]No.5306 of 2024
and C.M.P.No.29551 of 2024

Selvalingam

.. Petitioner

Vs.

S.Bharathalingam

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Code of Civil Procedure, to set aside the order of the returning the un-numbered E.A.S.R.No.9721 of 2024 in E.P.No.21 of 2019 in O.S.No.1216 of 2006 dated 21.10.2024 on the file of the II Additional District Munsif Court at Puducherry.

For Petitioner : Mr.C.B.Murali Krishnan

ORDER

This Civil Revision Petition has been filed seeking to set aside the order of the returning the un-numbered E.A.S.R.No.9721 of 2024 in E.P.No.21 of 2019 in O.S.No.1216 of 2006 dated 21.10.2024 on the file of



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the II Additional District Munsif Court at Puducherry.

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2.The execution proceedings in E.P.No.21 of 2019 in O.S.No.1216 of 2006 passed in favour of the respondent on 18.02.2019. The petitioner took up the application for appointment of Commissioner to measure the suit property and the same has been returned. Challenging the same, the present revision petition has been filed.

3.It is the contention of the learned counsel for the petitioner that the decree is only in respect of the vacant land, whereas the delivery has been effected in the constructed area also. Therefore, the petitioner filed an application for appointment of Advocate Commissioner to measure the suit property Challenging the same, the revision petition has been filed.

4.When the delivery has already been effected, there is no purpose in keeping this revision pending. This issue is as to whether as there is any building available on the property can be canvassed in separate Civil Revision Petition challenging the delivery.



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5.In the result, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

08.01.2025

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The II Additional District Munsif Court at Puducherry.



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N.SATHISH KUMAR, J.

rst

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