

CRP(MD). No.546 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP(NPD) (MD). No.546 of 2017

Mathusri Akkaboï Ammani Charities
by its Hereditary Trustee
VRY Anandakumar

... Petitioner

Vs

Rengaswamy

... Respondent

PRAYER :-Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the order dated 14.09.2010 in CFR No.281 of 2003 in unnumbered EP No. of 2009 in OS No.246 of 1977 on the file of the District Munsif Court, Pattukottai.

For Petitioners : Mr.V.Balaji
For Respondent : Unserved

ORDER

The Civil Revision Petition is filed against the order dated 14.09.2010 in CFR No.281 of 2003 in unnumbered EP in OS No.246 of 1977 on the file of the District Munsif Court, Pattukottai.



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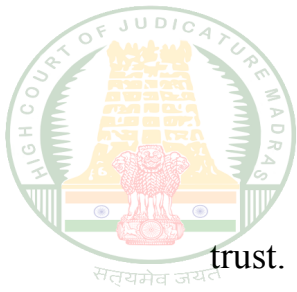
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2. The petitioner is a decree holder in OS No.246 of 1977 and the said suit was decreed in their favour vide judgment and decree dated 16.01.1991 and the petitioner filed execution petition in the year 2009, however, the same was dismissed. Against the said dismissal, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that in similar situation, when similar civil revision petitions were filed before this Court, this Court allowed those civil revision petitions by relegating the petitioner therein to approach the competent civil Court afresh and agitate the issue. Since the present civil revision petition is also arising out of the same, the learned counsel prays for the same relief.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The issue in hand has already been decided by this Court in a batch of civil revision petitions, which was filed by the same petitioner



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trust. In the said batch of civil revision petitions, this Court, while dismissing the civil revision petitions, held that since the respective decree obtained by the petitioner trust are against the parties, who are no more and who have already been vacated the suit properties, would not survive any purpose and hence, directed the petitioner to approach the competent civil Court. In the present case also, though notice was served on the respondent, the petitioner was unable to serve notice on the respondent. Hence, the civil revision petition stands dismissed and the petitioner trust is directed to approach the competent civil Court afresh and agitate the issue indicating all the facts and circumstances revolved around the same. However, the period spent before this Court as well as the trial Court stands excluded for the purpose of limitation. No costs.

03.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Munsif Court, Pattukottai.

2. VR Section

Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.546 of 2017**

Date : 03/06/2025