



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2013

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

C.R.P. (NPD) (MD) Nos.549 to 551 of 2013 &

M.P(MD)No.2 of 2013 in CRP(MD).No.549 of 2013

C.R.P. (NPD) (MD) No.549 of 2013

S.Soundravathani

:Petitioner/Petitioner/
Respondent/Respondent/Defendant

-Vs-

Karukuvel Ayyanar Samy
Kumbidum Pangaligal Sangam
through its Secretary,
T.S.No.696, Aruppukottai Road,
Virudhunagar-626 001.

:Respondent/Respondent
Petitioner/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order of un-numbered E.A. of 2013 in E.A.No.2 of 2013 E.P.No.25 of 2011 in O.S.No.216 of 2000 on the file of the District Munsif, Virudhunagar dated 26.02.2013.

C.R.P. (NPD) (MD) No.550 of 2013

S.Soundravathani

:Petitioner/Petitioner/
Respondent/Respondent/Defendant

-Vs-

Karukuvel Ayyanar Samy
Kumbidum Pangaligal Sangam
through its Secretary,
T.S.No.696, Aruppukottai Road,
Virudhunagar-626 001.

:Respondent/Respondent
Petitioner/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order in un-numbered E.A. of 2013 in E.A.No.3 of 2013 E.P.No.25 of 2011 in O.S.No.216 of 2000 on the file of the District Munsif, Virudhunagar dated 26.02.2013.

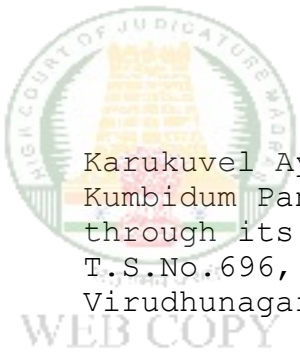
C.R.P. (NPD) (MD) No.551 of 2013

S.Soundravathani

:Petitioner/Petitioner/
Respondent/Respondent/Defendant

<https://hcservices.ecourts.gov.in/hcservices/>

-Vs-



Karukuvel Ayyanar Samy
Kumbidum Pangaligal Sangam
through its Secretary,
T.S.No.696, Aruppukottai Road,
Virudhunagar-626 001.

:Respondent/Respondent
Petitioner/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order of un-numbered E.A. of 2013 in E.A.No.4 of 2013 E.P.No.25 of 2011 in O.S.No.216 of 2000 on the file of the District Munsif, Virudhunagar dated 26.02.2013.

For Petitioner
in all CRPs :Ms.G.Dhanalakshmi

COMMON ORDER

The revision petitioner is the judgment-debtor. The respondent/decreed-holder filed a suit in O.S.No.216 of 2000 on the file of the District Munsif Court, Virudhunagar, for recovery of possession and the suit was decreed on 29.04.2003. The revision petitioner filed an appeal in A.S.No.46 of 2003 on the file of the sub-Court, Virudhunagar, and the same was dismissed on 31.03.2010 and the Second Appeal filed in S.A.No.1028 of 2011 was also dismissed on 01.02.2012 and seven months time was granted to the revision petitioner to hand over the vacant possession. As the revision petitioner did not hand over the possession, the respondent/decreed-holder filed E.P.No.25 of 2011 for delivery of possession and delivery was ordered on 20.12.2012. The revision petitioner filed E.A.No.55 of 2012 to set aside the ex-parte order passed against her and the same was dismissed on merits on 30.01.2013. The revision petitioner filed E.A.No.1 of 2013 for stay of the E.P.No.25 of 2011 stating that she filed S.L.P against the judgment made in S.A.No.1028 of 2011. Meanwhile, the respondent/decreed-holder filed E.A.No.2 of 2013 to break open the premises, E.A.No.3 of 2013 for police protection and E.A.No.4 of 2013 for the assistance of Village Administrative Officer to effect delivery. The application filed by the revision petitioner in E.A.No.1 of 2013 and the applications filed by the decree-holder in E.A.Nos.2,3 and 4 of 2013 were posted for orders on 02.03.2013. At that stage, the revision petitioner filed these three applications in E.A.Nos.2,3 and 4 of 2013 for opening the main E.P and to reject the E.A.No.2 of 2013 on the ground that C.M.A. is pending before the sub-Court, Virudhunagar. All these applications were dismissed without numbering the same and aggrieved by the dismissal, these revisions were filed.

2. It is submitted by the learned Counsel for the revision petitioner that the Court below failed to appreciate that against the order of delivery made in E.P.No.25 of 2011 the revision petitioner filed C.M.A.No.1 of 2013 before the sub-Court, Virudhunagar and the appeal is pending and during the pendency of the appeal, the Court below ought not to have passed the order regarding the break-open of the premises pursuant to the delivery order made in E.P.No.25 of 2011 and for

that purpose applications were filed to advance hearing and without appreciating the same, the Court below is dismissed the application.

3. The learned Counsel for the revision petitioner also submitted that on 02.03.2013, the orders were passed in E.A.Nos.2,3 and 4 of 2013. The learned Counsel therefore submitted that considering the pendency of the C.M.A.No.1 of 2013 on the file of the sub-Court, Virudhunagar, the Court below ought not to have allowed the application filed by the decree-holder to break open the premises with the help of the police protection and with the assistance of Village Administrative Officer.

4. According to me, these revisions have become infructuous. Admittedly, these revisions were filed against the order passed in un-numbered E.A. in E.A.Nos.2,3 and 4 of 2013. The prayer in the un-numbered E.A. filed by the revision petitioner is to advance hearing of E.A.Nos.2,3 and 4 of 2013. Though the petitioner filed by the revision petitioner for advance hearing of E.A.Nos.2,3 and 4 of 2013 were rejected on merits, orders were passed in E.A.Nos.2,3 and 4 of 2013 on 02.03.2013. As the orders were passed in E.A.Nos.2,3 and 4 of 2013 on 02.03.2013, these revisions filed against the order rejecting the applications filed by the revision petitioner to advance the hearing of E.A.Nos.2,3 and 4 of 2013 became infructuous and hence these revisions are dismissed as infructuous. No costs. Consequently, the connected Miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

The District Munsif, Virudhunagar
+3 CC to M/s. G. Dhanalakshmi, Advocate in SR.No.17624.

PKS/15.04.2013/3P/5C

**C.R.P. (NPD) (MD) Nos.549 to 551 of 2013 &
M.P (MD) No.2 of 2013 in CRP (MD) .No.549 of 2013
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