



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty First day of November Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRP(NPD) (MD)No.2278 of 2022
and
CMP (MD)No.10830 of 2022

1 ROHINA BEEVI

2 JAHAFAR ... PETITIONERS/RESPONDENTS/DEFENDANTS

Vs

1 VARGHESE SAMUEL

2 MAMMEN SAMUEL

3 CHERIYAN SAMUEL ... RESPONDENTS/PETITIONERS/PLAINTIFFS
RESPONDENTS 2 & 3 ARE REPRESENTED BY 1st
RESPONDENT POWER HOLDER AS PER THE ORDER
IN I.A.No.595 of 2005 and I.A.No. 596 OF
2005 DATED 27.10.2005.

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order and decretal order in E.P.No.20 of 2021 in O.S.No.26 of 2005 on the file of Principal District Munsif Court, Padmanabhapuram, dated 16/08/2022 and allow the civil revision petition.

Prayer in CMP(MD)No. 10830/ 2022 :

To stay all further proceedings in E.P.No.20 of 2021 in O.S.No.26 of 2005 on the file of the Principal District Munsif Court, Padmanabhapuram, pending disposal of above civil revision petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.S.THESIGAN, Advocate for the petitioner and of MR.M.P.HARIPRASAD, Advocate on behalf of the Respondents, the court made the following order:-

This Civil Revision Petition is filed against the order of <https://www.mca21.org.in/judis> an Advocate Commissioner in E.P.No.20 of 2021.



2. The learned counsel appearing for the petitioners submits that the petitioners herein are Judgment Debtors. The respondents/plaintiffs filed a suit in O.S.No.26 of 2005 for declaration of title and also for mandatory injunction to remove the construction put up in the second item of the suit schedule property. The said suit was decreed in favour of the respondents/plaintiffs, by Judgment and Decree dated 25.10.2009. Now, in order to execute the said decree, the plaintiffs have also filed an Execution Petition in E.P.No.20 of 2021, wherein, the Executing Court, by order dated 16.08.2022, appointed an Advocate Commissioner to take measurement of second item of suit schedule property. He further submits that if the decree is executed, then, the entire building of the petitioners will collapse. Instead of, the petitioners are also willing to offer the price for the second item of the suit schedule property to the respondents/plaintiffs and to work out the possibility of settlement, he requested this Court to refer the matter for mediation.

3. Considering the plea raised by the learned counsel for the petitioners that if the decree is executed, the entire building of the petitioners will collapse, this Court is inclined to refer the matter for mediation.

4. This Court also appoints Mr.H.Thayumanasamy, learned counsel, as Mediator in this case, to mediate the parties and resolve the issue amicably between them.

5. Post the matter on 07.12.2022. The respective parties shall not insist the Executing Court for further proceedings pending the mediation.

sd/-
21/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL DISTRICT MUNSIF
PADMANABHAPURAM.

COPY TO

1. THE CHIEF COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,

<https://www.mhc.tn.gov.in>



CRP(NPD)(MD)



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2. MR.H.THAYAMANASAMY,
ADVOCATE/MEDIATOR,
ENRL NO.2011/2001
CHAMBER NO.25,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
CELL NO. 94436 94354

+1. CC to MR.S.S.THESIGAN, Advocate SR.No.13382(I)

ORDER
IN
CRP (NPD) (MD) No.2278 of 2022
and
CMP (MD) No.10830 of 2022
Date :21/11/2022

OGY

PKP/SSS/SAR-3/28.11.2022/3P/5C