

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.3446 of 2015 &

M.P.No.1 of 2015

Murugesan

... Petitioner

v.

Govindasamy (deceased)

1.Rajamani
2.Kumaravl
3.Ramesh
4.Rajendran
5.Indirani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 06.02.2015 passed in E.A.No.24 of 2014 in E.A.No.2 of 2013 in E.P.No.11 of 2012 on the file of I Additional District Judge, FTC IV, Tiruppur.

For Petitioner : Mr.S.Shreenik Raj

O R D E R

Challenging the fair and final order passed in E.A.No.24 of 2014 in E.A.No.2 of 2013 in E.P.No.11 of 2012 on the file of I Additional District Judge, Fast Track Court No.IV, Tiruppur, the judgment debtor has filed the above Civil Revision Petition.

2. Pursuant to the decree obtained in O.S.No.14 of 2001 on the file of Additional District Judge, Fast Track Court No.IV, Coimbatore at Tiruppur, the plaintiff filed an Execution Petition in E.P.No.11 of 2012 to execute the decree passed by the Trial Court. The Suit in O.S.No.14 of 2001 was filed by the plaintiff for specific performance.

3. After contest, the Trial Court dismissed the suit for specific performance and granted a decree for recovery of advance amount of Rs.9,75,000/- together with interest.

4. Pursuant to the decree passed by the Trial Court, the plaintiff filed the Execution Petition. In the said Execution Petition, the defendant filed an application in E.A.No.2 of 2013 under section 47 of the Civil Procedure Code, which was dismissed by the Execution Court, after contest. Thereafter, the revision petitioner filed an application in E.A.No.24 of 2014 under Order 47 Rule 1 of CPC to review the order passed in E.A.No.2 of

2013.

5. On a perusal of the application filed in E.A.No.24 of 2014, it is clear that the revision petitioner has not made out a case under Order 47 Rule 1 of CPC to review the order passed in E.A.No.2 of 2013. When there is no error apparent on the face of the record, the review application filed under Order 47 Rule 1 of CPC in E.A.No.24 of 2014 cannot be entertained. The Execution Court, taking into consideration all these aspects, rightly dismissed the application.

6. In these circumstances, I do not find any reason to interfere with the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

17.11.2015

Rj

To

The I Additional District Judge,
Fast Track Court No.IV,
Tiruppur,

M. DURAISWAMY,J.,

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