

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4667 of 2015

Raja Gounder (deceased)

1.Pavayee
2.Muthusamy
3.Jayalakshmi

... Petitioners

v.

K.Palanisamy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 17.12.2013 made in R.E.P.No.9 of 2011 (Old No.REP 212 of 2005) in O.S.No.38 of 2003 passed by the Additional District Munsif, Namakkal.

For Petitioner : Mr.S.Senthilnathan

For Respondent : Mr.T.Dhanyakumar_

ORDER

Challenging the fair and final order passed in R.E.P.No.9 of 2011 (Old No.REP 212 of 2005) in O.S.No.38 of 2003 on the file of Additional District Munsif Court, Namakkal, the defendants have filed the above Civil Revision Petition.

2. Pursuant to the decree obtained in O.S.No.38 of 2003, the respondent-plaintiff filed an Execution Petition in R.E.P.No.9 of 2011 (Old No.REP 212 of 2005) to execute the decree passed by the Trial Court.

3. The learned counsel appearing for the petitioners submitted that as against the preliminary decree passed in O.S.No.38 of 2003, the defendants have filed a Second Appeal before this court with a petition to condone the delay in filing the Second Appeal.

4. In these circumstances, the remedy open to the defendants is to get appropriate orders in the Second Appeal and I do not find any ground to interfere in the order passed in R.E.P.No.9 of 2011.

5. In view of the above, the Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Index : Yes/No

18.01.2016

Rj

To

The Additional District Munsif,
Namakkal.

M. DURAISWAMY,J.,

Rj

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