

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.151 of 2016 &

C.M.P.No.756 of 2016

1.Vijayalakshmi

2.Doss

... Petitioners

v.

1.Pushparani

2.Devaraj

3.Murai

4.Nagaraja

5.Vanitha

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to number the E.A.S.R.No.589 of 2016 in E.P.No.4361 of 2014 in O.S.No.2978 of 1999 on the file of IX Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.G.Ravishankar

ORDER

Challenging the docket order 11.01.2016 passed by the Execution Court returning the papers raising a query with regard to the maintainability of the application filed under section 47 of Civil Procedure Code, the judgment debtors have filed the above Civil Revision Petition.

2. After the disposal of the Second Appeal in S.A.No.1347 of 2008 on 2.3.2011, the judgment debtors filed an application in E.A.S.R.No.589 of 2016 in E.P.No.4361 of 2014 in O.S.No.2978 of 1999 under section 47 of the Civil Procedure Code.

3. The IX Assistant Judge, City Civil Court, Chennai, returned the papers raising a query with regard to the maintainability of the application on 11.01.2016.

4. The learned counsel appearing for the petitioners submitted that judgment debtors have not made any submission before the Execution Court with regard to the maintainability of the application.

5. In these circumstances, without expressing any opinion

with regard to the merits of the case, I grant liberty to the judgment debtors-revision petitioners to make their submissions before the IX Assistant Judge, City Civil Court, Chennai, with regard to the maintainability of the application in E.A.S.R.No.589 of 2016 in E.P.No.4361 of 2014 in O.S.No.2978 of 1999. The petitioners shall make their submissions with regard to the maintainability of the application, within a period of one week from the date of receipt of a copy of this order. On hearing the submissions made by the learned counsel for the petitioners, the IX Assistant Judge, City Civil Court, Chennai is directed to decide the issue with regard to the maintainability of the application, within a period of one week thereafter.

With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2016

Index : Yes/No

Note : Registry is directed to return the certified copy of the order to the learned counsel for the petitioner.

Rj

To

The IX Assistant Judge, City Civil Court,
Chennai,

M. DURAISWAMY,J.,

Rj

C.R.P.(NPD)No.151 of 2016 &

C.M.P.No.756 of 2016

20.01.2016