

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2016
CORAM

The Hon'ble Mr.Justice M.Duraiswamy

C.R.P(NPD)No.2914 of 2016 and
C.M.P.No.14883 of 2016

1. Deivalakshmi
2. Indiragandhi
3. Abimurugan
4. Manigandan

...Revision Petitioners

Vs

1. Selvaraj
2. The Branch Manager,
Canara Bank, Nainarpalayam.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and docket order, dated 09.09.2016, passed in E.A.Sr.No.2365 of 2016, in E.P.No.1 of 2015, in O.S.No.100 of 2010, on the file of the Subordinate Judge, Kallakurichi (Civil Judge, Senior Division).

For Revision Petitioners : Mr.J.R.K.Bhavanantham

ORDER

Challenging the docket order passed by the Subordinate Court Judge, Kallakurichi, in E.A.Sr.No.2365 of 2016, in E.P.No.1 of 2015, in O.S.No.100 of 2010, dated 09.09.2016, the sons and daughters of the judgment-debtor have filed the present Civil Revision Petition.

2. Heard Mr.J.R.K.Bhavanantham, the learned counsel appearing

for revision petitioners.

3. Pursuant to the judgment and decree passed in O.S.No.100 of 2010, the second respondent/plaintiff filed an Execution Petition, in E.P.No.1 of 2015. In the said Execution Petition, the revision petitioners filed an Application under Order 21, Rule 58 C.P.C., viz., E.A.Sr.No.2365 of 2016. The Executing Court returned the papers relating to the Execution Application, raising a query with regard to the maintainability of the Application. The revision petitioners, instead of making their submissions before the Executing Court with regard to the maintainability of the Application, have filed this Civil Revision Petition challenging the return made by the Registry of the Executing Court.

4. In the light of the above, I am of the considered view that the revision petitioners can be given an opportunity to make their submission before the Subordinate Court, Kallakurichi, with regard to the maintainability of the Application, in E.A.Sr.No.2365 of 2016.

5. Accordingly, I give liberty to the revision petitioners to make

their submissions before the Subordinate Court, Kallakurichi, with regard to the maintainability of the Application, in E.A.Sr.No.2365 of 2016, within three days from the date of receipt of a copy of this order. On hearing the submissions made by the revision petitioners, the learned Subordinate Judge, Kallakurichi is directed to decide the issue with regard to the maintainability of the Application on merits and in accordance with law.

6. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

14.09.2016

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Index : Yes/No

Note: Registry is directed to issue a certified copy of this order on **15.09.2016**, and also return the original application filed by the revision petitioners to the counsel who is appearing on their behalf.

To

The Subordinate Judge, Kallakurichi

(Civil Judge, Senior Division).

M.Duraiswamy, J.,

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