

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.2932 of 2016

K.T.Ananth

... Petitioner

Vs.

Mahendran

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of the Subordinate Judge, Arani dated 19.07.2016 returning the petition seeking to raise the attachment in E.P.Nos.164 & 165 of 2013 as not maintainable.

For Petitioner : Mr.R.Subramanian
for Mr.I.Abrar Md Abdullah

ORDER

Challenging the docket order passed by the Subordinate Court, Arani in un-numbered E.A.No. of 2016 in E.P.No.164 of 2013 in O.S.No.196 of 2003 and E.P.No.165 of 2013 in O.S.No.35 of 2004, the 2nd defendant has filed the above Civil Revision Petition.

2.When a query was raised with regard to the maintainability of the petition filed under Order 21 Rule 57 (2) of the Civil Procedure Code, the 2nd

defendant sent a letter to the Subordinate Judge, Arani explaining his contention with regard to the maintainability of the application.

3.By order dated 19.07.2016, the Executing Court returned the application.

4.On a perusal of the materials available on record, it could be seen that the revision petitioner has not made his oral submissions before the Executing Court with regard to the maintainability of the application.

5.Mr.R.Subramanian, learned counsel appearing for the petitioner also submitted that no opportunity was given to the revision petitioner to make his submissions with regard to the maintainability of the application.

6.In view of the submissions made by the learned counsel for the petitioner, I am of the view that the petitioner should be given an opportunity to make his submissions with regard to the maintainability of the application before the Subordinate Court, Arani. Accordingly, I give liberty to the petitioner to make his submissions with regard to the return made by the Subordinate Judge, Arani on 19.07.2016, within one week from the date of receipt of a copy of this order. The Subordinate Judge, Arani is

directed to decide the issue with regard to the maintainability of the application, after hearing the submissions made on behalf of the 2nd defendant, on merits and in accordance with law.

7. With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
va

15.09.2016

To

The Subordinate Court,
Arani.

M.DURAIWAMY,J.
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