



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 09.06.2016
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) No. 1011 of 2016 (NPD)

and

C.M.P. (MD) No. 5009 of 2016

V.S.S. Anthonysamy

.. Petitioner/Respondent/Defendant

Vs.

Karuppaiah (Died)

1. Murugan

2. Valli Devi

3. Kani

.. Respondents/Petitioners/LRs of the
deceased Plaintiff

Prayer: Petition filed under Section 115 of the Code of Civil Procedure, to allow this Civil Revision Petition calling for the records and to strike off the E.P.No.4 of 2016 in O.S.No.2 of 2003 on the file of the learned Subordinate Judge, Virudhunagar.

For Petitioners : Mr. R. Jegadeeswaran

ORDER

This revision is filed to strike off the execution petition in E.P.No.4 of 2016 in O.S.No.2 of 2003, pending on the file of the learned Subordinate Judge, Virudhunagar.

2. Heard Mr. R. Jegadeeswaran, learned counsel appearing for the petitioner.

3. The learned counsel for the petitioner mainly contended that based on the money decree, the respondents filed execution petition in E.P.No.37 of 2004 for attachment and sale of a property, which was closed on 06.08.2008 and the present execution petition has been filed with the same prayer, so it is liable to be struck off..

4. In my considered view, there is no bar in filing the second execution petition. It is not the case of the petitioner that the Execution Petition is barred by limitation. Hence, I do not find any illegality or irregularity in the order impugned in the Revision. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

To

The Subordinate Court, Virudhunagar.

+One cc to Mr. R. Jegadeeswaran, Advocate, SR.No.29913

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RL/3C/1P/SK/SKN/22/6/2016

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