

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.69 of 2016

Order:

Aggrieved by the refusal of the executing Court to reopen an application for removal of obstruction and for police protection, the judgment-debtors have come up with the above revision.

2. Heard the learned counsel for the petitioners.

3. The suit was of the year 2000. The suit was decreed way back on 06-4-2005. The execution petition itself was filed in 2005. There is no dispute that the decree has attained finality.

4. The petitioners filed a claim petition under Section 47 CPC, but the same has also been dismissed. The dismissal of the claim petition has also attained finality.

5. Thereafter, as a last ditch effort, the petitioners resorted to obstruction. Therefore, the judgment-debtors filed the application for removal of obstruction and police protection.

6. In that application, the petitioners took several adjournments for filing a counter. Therefore, the trial Court chose to set them *ex parte*. Thereafter, the petitioners filed an application for reopening. It was dismissed by the executing Court.

7. The executing Court was justified in doing so. All the weapons available in the armory of the judgment-debtors under the Civil Procedure Code have now been totally exhausted. Therefore, there is no question of reopening, for the purpose of doing something against a decree which has attained finality and against a claim petition which has also been dismissed and which order has attained finality. Therefore, I see no reason to interfere with the order of the executing Court. Hence, the revision is dismissed. The

miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

15th July, 2016.
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