

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A.No.1924 of 2017

and CMP No.10366 of 2017

R.Uma .. Appellant
Vs.

S.Ramamurthy .. Respondent

Prayer : Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., against the fair and decreetal order dated 02.06.2017 passed in E.A.No.4217 of 2016 in E.P.No.1043 of 2016 in O.S.No.5231 of 2010 on the file of the IX Assistant Judge, City Civil Court at Chennai.

For Appellant : Mr.K.Venkateswaran

JUDGMENT

The order challenged in this appeal is an order allowing the application filed under Order 21 Rule 106 of C.P.C. seeking to set aside the ex-parte order in execution proceedings. Under Order 43 Rule 1(Ja) C.P.C., the Appeal would lie only against the order rejecting an application to set aside the ex-parte under Order 21 Rule 106. Hence the Appeal is not maintainable.

2. Registry is directed to return the certified copies of the impugned order to the learned counsel for the petitioner to enable him to file a Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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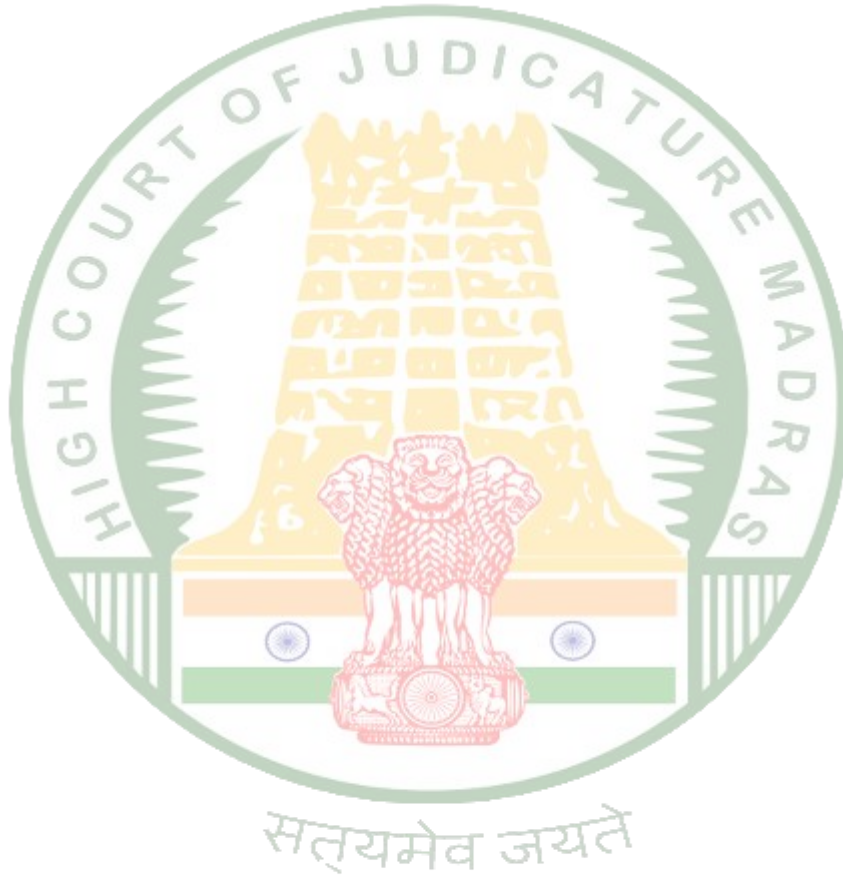
Sub Assistant Registrar

To:

The IX Assistant Judge,
City Civil Court at Chennai.

C.M.A.No.1924 of 2017

RR (CO)
GN (04/07/2017)



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