

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.07.2017

C O R A M

The Honourable **Mr.JUSTICE M. GOVINDARAJ**

CRP.(NPD)No.2224 of 2017 and
CMP.No.10602 of 2017

Sankarabhushnam

..Petitioner

Vs

- 1 E. Dhavamani
- 2.E. Gunamani
- 3.E. Jagadeesan
- 4.E. Lakshmi Sekar
- 5.E. Saroja
- 6.E. Jayaseelan
- 7.E. Rani Ethiraj allas E. Rani
- 8.E. Amutha
- 9.E. Bhaskar
- 10.E. Sridhar
- 11.E. Arul
- 12.E. Devatha
- 13.E. Karnal
- 14.E. Ebi
- 15.E. Chandra
- 16.E. Rajan
- 17.E. Ponmudi

Represented their power of attorney
E. Karnal son of (deceased) Ethirajan
No.167, Old No.64, Konnur High Road,
Ayyanavaram, Chennai-600 023.

..Respondents

Civil Revision Petition filed under Article 227 of Constitution of India as against the fair and decreetal order dated 22.12.2016 passed by the Hon'ble IX Assistant Judge, City Civil Court, Chennai, in E.A.S.R.No.58902 of 2016 in E.P.No.1247 of 2015 on O.S.NO.4747 of 1977.

For Petitioner : Mr.T. Velumani

For Respondent : Mr.R. Balakrishnan

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 22.12.2016 passed by the Hon'ble IX Assistant Judge, City Civil Court, Chennai, in E.A.S.R.No.58902 of 2016 in E.P.No.1247 of 2015 on O.S.NO.4747 of 1977.

सत्यमेव जयते

2. This Civil Revision Petition is taken up after service and the respondents/decreet holders have filed the counter affidavit.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

4. After some arguments, it is submitted by the learned counsel appearing on either side that a similar application was filed before the Execution Court and the enquiry is going on, pursuant to the orders passed by this Court in C.R.P. No.125 of 2017 dated 09.03.2017.

5. The learned counsel for the petitioner would submit that if opportunity is given to the petitioner to present his case, he would be satisfied. It is also submitted that the petitioner who filed Section 47 application are none other than the brothers of the petitioner in this Civil Revision Petition.

6. The learned counsel for the respondents/deGREE holders would submit that the matter is posted before the Execution Court for adducing evidence on 27.07.2017. It is further submitted that there is a direction by the Hon'ble Supreme Court, directing the Judgment debtors to deposit the rentals before the Execution Court.

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7. Considering the submissions made by the learned counsel appearing on either side, a direction is issued to the petitioner to participate in the enquiry proceedings along with his brothers before the Execution Court and adduce evidence. The Execution Court is directed to complete the proceedings, within a period of one month from today. The Execution Court is also directed to consider the issue regarding the direction issued by the Hon'ble Supreme Court.

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

26.07.2017

Note: ISSUE ORDER COPY ON 27.07.2017

Index: Yes/No
Speaking/Non-Speaking

arr/gmd

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To
The IX Assistant Judge, City Civil Court, Chennai.

M. GOVINDARAJ, J.

gmd



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