IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.NPD.No.4169 of 2017

M/s.V.N.C.Steel Distributers,
Karur,
Rep. By its Managing Director,
C.Baskar,
s/o.V.N.Chokkalingam,
Having office at No.2,
Industrial Estate,
Karur-639 004,
Karur District ..Petitioner

Vs.

M/s.Vascon Engineers Ltd.,
Rep.by its Assistant Director,
Having office at 2nd Floor,
"Lanco House" G.N.Chetty Road,
T.Nagar, Chennai-600 017 ..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned City Civil Judge, Chennai to number the Execution Petition in E.P.S.R.No.7575 of 2016 and dispose of the same in accordance with law.

For petitioner : Mr.M.Guruprasad

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ORDER

The revision petitioner has filed a suit in OS.No.7 of 2012 on the file of the Principal District Judge, Karur against the respondent herein, which was decreed. Pursuant to that, the revision petitioner has filed an execution petition in EP.SR.No.7575 of 2016 on the file of the City Civil Court, Chennai. But the trial court has returned the said petition directing to explain the pecuniary limits of the court and also to explain the maintainability of the petition. The petitioner has re-presented the papers on 28.04.2016. Again, it was returned on 04.10.2016 to clarify the claim amount is Rs.41,74,759/-, but the value of EP is Rs.17,50,000/-, and stating that the earlier return was not complied with. Hence, the petitioner has filed the present Civil Revision Petition before this Court.

2. On perusal of the docket order dated 14.11.2016, it is found that the court below has returned by stating that the earlier order has not been complied with. According to the petitioner, it has been explained that the value of the attachment property is for 17,50,000/- and therefore, it comes within the pecuniary jurisdiction of the court below. In such circumstances, the

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petitioner should have re-presented the execution petition with explanation for the return made by the court below.

3. In such circumstances, the court below is directed to consider the said explanation submitted by the petitioner, if it is in order, the court below has to number the petition and to decide the maintainability of the application, at the later stage.

4. The Civil Revision Petition is disposed of with above directions. No costs. The Registry is directed to return the original EP papers to the learned counsel for the petitioner after obtaining a copy of the same.

16.11.2017

Speaking/Non-speaking order
Index : Yes/No
Internet: Yes/No
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D.KRISHNAKUMAR. J,

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To

The learned City Civil Judge,
Chennai.

CRP.NPD.No.4169 of 2017

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16.11.2017

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