

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.3362 OF 2017
AND CMP NO.15626 OF 2017

Suguna

... Petitioner

Vs.

1.K.J.Sriranga Perumal Raja
2.K.J.Ravichandra Raja
3.Kamalam
4.Purushothaman

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order dated 28.08.2017 made in CFR No.37968 of 2017 (Unnumbered petition) in E.A.No.54 of 2011 in E.P.No.107 of 2010 in O.S.No.187 of 1997 on the file of Principal District Munsif Court at Coimbatore.

For Petitioner : Mr.T.L.Thirumalaisamy
For Respondents : Mr.A.Thiyagarajan

ORDER

The petitioner has filed an application under Order XXI Rule 102 and Section 151 of the Civil Procedure Code before the Execution Court, which was not numbered. Therefore, the petitioner has come up before this Court with the present Civil Revision Petition.

2. The respondents would contest that they have already filed an obstruction petition in E.A.No.54 of 2011 under Order XXI Rules 97 and 101 read with Section 151 of the Civil Procedure Code, which is pending for a long time. But at the fag end of the trial, the petitioner has come forward with an application under Order XXI Rule 102 read with Section 151 of the Civil Procedure Code to decide the maintainability of the obstruction petition filed by the respondents and the Trial Court has dismissed the same.

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3. Heard the submissions made on either side and perused the materials available on record.

4. Considering the facts and circumstances of the case, the order dated 28.08.2017 passed in CFR No.37968 of 2017 (Unnumbered petition) in E.A.No.54 of 2011 in E.P.No.107 of 2010 in O.S.No.187 of 1997 by the learned Principal District Munsif, Coimbatore, is set aside and a direction is issued to number the petition and hear the same, along with E.P.No.54 of 2011 in E.P.No.107 of 2010 in O.S.No.187 of 1987, and pass orders on the same day itself. Before passing orders, both the parties shall be given opportunity, to argue in both the petitions. The above said direction shall be complied with, within a period of two months from the date of receipt of a copy of this order.

5. With the above observation and direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

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08.09.2017

Index : Yes/No

Internet : Yes/No

Note : **Issue order copy on 21.09.2017**

TK

M.GOVINDARAJ, J.

TK

To

The Principal District Munsif
Coimbatore.



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