



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.1822 of 2015 (NPD)

Shambu Prasad

.. Revision Petitioner/petitioner
in unnumbered E.P.No. 2014/plaintiff

Vs.

V.Erulappan (Died)

Defendant

1.E.Rathinavelu
2.E.Thiruppathy
3.E.Saraswathy
4.E.Angala Eswari
5.E.Rajamani
6.E.Muthumani

..Revision Respondents/2 to 6
Respondents in unnumbered
E.P No.2014/Defendant's L.Rs.

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the District Munsif, Bodinayakkanur, Theni District to number the execution petition, dated 20.11.2014 in O.S.No.19/1999 on the file of the District Munsif Court, Bodinayakkanur.

For Petitioner : Mr. A.V.Vijayaraghavan

ORDER

The petitioner has filed this Civil Revision Petition to direct the District Munsif, Bodinayakkanur, Theni District to number the execution petition, dated 20.11.2014 in O.S.No.19/1999 on the file of the District Munsif Court, Bodinayakkanur.

2.The learned counsel for the petitioner submitted that the petitioner filed the present Civil Revision Petition against the order of rejection of E.P., on the ground that E.P., filed beyond the time limit.

3.He further submitted that already petitioner filed E.P.No.28 of 2007 before the District Munsif, Bodinayakkanur and it was dismissed on 18.07.2007 since batta was not paid. The petition filed on 27.09.2010. The said petition was misplaced by the Court and even after complaint given by the petitioner, it was not traced out. Therefore, the petitioner filed another E.P., that was rejected



on the ground that petition filed beyond the time limit. Now, the petitioner received a letter from the learned Judge, dated 20.01.2017 directing the petitioner to re-construct the earlier E.P., filed by the petitioner as 1052/2010.

4. In the circumstances, the learned counsel for the petitioner seeks permission of this Court to withdraw the Civil Revision Petition with liberty to proceed the E.P., already filed by him and he has also made an endorsement to that effect.

5. Recording the above said submission, the Civil Revision Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Bodinayakanur.

+ 1 CC TO Mr.A.V.VIJAYARAGHAVAN, ADVOCATE IN SR No. 3570

AM

TE/SKN/SAR-I : 24/01/2017 : 2P/3C

C.R.P (MD) No.1822 of 2015 (NPD)
23.01.2017