



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANIC.R.P (MD)No.208 of 2017 (NPD) and
CMP (MD) .No.933 of 2017

Roselet

.. Petitioner

Vs.

1. Palraj
2. Thangamani
3. Sudev

.. Respondents

PRAYER: Civil Revision Petition is filed, under Section 115 of CPC to set aside the fair and decreetal order passed in un numbered E.A.No... 2016 in E.A.No.16 of 2013 in E.P.No.123 of 2007 in O.S.no.103 of 2002 on the file of the Principal District Munsif Court, Kuzhithurai, dated 31.03.2016.

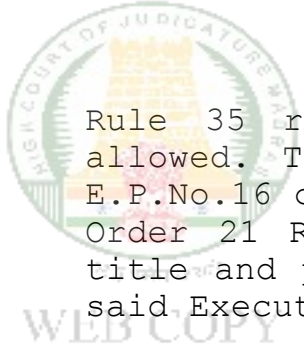
For Petitioner : Mr. M.P. Senthil
For respondents : Mr. R. Balakrishnan - R1
Mr.D. Christenson Jugunu - R3

ORDER

The petitioner has filed this Civil Revision Petition to set aside the fair and decreetal order passed in un numbered E.A.No... 2016 in E.A.No.16 of 2013 in E.P.No.123 of 2007 in O.S.No.103 of 2002 on the file of the Principal District Munsif Court, Kuzhithurai, dated 31.03.2016.

2. The second respondent who is the plaintiff filed suit in O.S.No.103 of 2002, on the file of the Principal District Munsif Court, Kuzhithurai, for recovery of money, based on the promissory note. The said suit was decreed ex parte. The first respondent did not pay the amount. The second respondent filed E.P.No.123 of 2007, to attach the property in the S.No.137/9B2C.

3. According to the petitioner, she is the owner of the property and she has filed E.A.No.242 of 2008 in E.P.No.123 of 2007 in O.S.No.103 of 2002 under Order 21 Rule 58 r/w. Section 151 of CPC, to adjudicate her claim, in respect of the suit scheduled property and the said Application was dismissed on 05.03.2011. The third respondent who is the auction purchaser filed E.A.No.16 of 2013 in E.P.No.123 of 2007 to deliver the property, under Order 21



Rule 35 r/w. Section 151 of CPC and the said application was allowed. Thereafter, the petitioner filed E.A.No.Nil of 2016 in E.P.No.16 of 2013 in E.P.No.123 of 2007 in O.S.No.103 of 2002, under Order 21 Rule 99 r/w Section 151 of CPC to consider her right, title and possession of the suit schedule property. However, the said Execution Application was rejected without numbering the same.

4. Against the said order of rejection, petitioner has filed the present Civil Revision Petition.

5. Considering the facts and circumstances of the case, without deciding the matter on merits, this Civil Revision Petition is disposed of directing the learned Principal District Munsif, Kuzhithurai, to number the Execution Application, if the petitioner represent the same, and decide the case on merits, after affording an opportunity of hearing to the petitioner and respondents as expeditiously as possible in any event not later than 31st March 2017. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif, Kuzhithurai.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.P.SENTHIL, ADVOCATE IN SR No. 5563
+ 1 CC TO Mr.K.N.THAMPI, ADVOCATE IN SR No. 5417
+ 1 CC TO Mr.D.CHRISTENSON JUGUNU, ADVOCATE IN SR No. 5411

TRP
TE/MR : 01/03/2017 : 2P/6C

C.R.P(MD)No.208 of 2017 (NPD)
and CMP(MD).No.933 of 2017
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