



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

C.R.P.(MD)No.877 of 2017

Dhanalakshmi

.. Petitioner/Petitioner/Plaintiff

Vs.

1.Ramasundaram
2.Ramasundarakani
3.Shanthi
4.Geetha
5.Megala

.. Respondents/Respondent/Defendants

Prayer : Civil Revision Petition filed under section 115 of C.P.C. to direct the District Munsif of Sattankulam to receive, take on file and number the Execution Petition in E.P.No.(SR.No.2106 of 2016) of 2016 in O.S.No.111 of 2010 on the file of the District Munsif of Sattankulam.

For Petitioner

:: Mr.S.Subbiah
Senior Counsel
for Mr.N.Subramanian

O R D E R

The grievance of the revision petitioner is that her execution petition for delivery of possession was returned by the Execution Court with the following Endorsement:-

"How this petition is maintainable, whether that the suit property in the possession of the tenant. Whether defendants are tenants or not as per provision of Law stated in the petition, clarify that. Hence returned."

2.In response to the return, the execution petitioner has re-presented the papers stating that there is no tenant in the demise premises and Respondent 1 to Respondent 4 are her children and Respondent 5 is the wife of Respondent 1.

3.Inspite of such explanation, the Execution Court has again returned the paper to produce citation and rules.



4. When the decree holder has presented the execution petition under Order 21 Rule 35 and 36 of C.P.C. and further made clarifications that there is no tenant in the demise premises, this Court finds no answer why the Trial Court wants the revision petitioner to cite Judgements and Rules to number the execution petition.

5. If at all, the petition is not in accordance with any of the Rule, it is the duty of the Court to specify what is lacking or the defect in the filing, so as, the petitioner can correct the defect. A vague return, as one which is extracted above does not augur well.

6. The Execution Court is hereby directed to take the petition on file, if it is otherwise in order and if there is any defect, the same may be explicitly mentioned to enable the execution petitioner to rectify it.

7. The Registry is directed to return the original Execution Petition papers to the revision petitioner on undertaking. The revision petitioner shall re-present the papers within two weeks from the date of receipt of copy of this order.

8. With the above direction, this revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The District Munsif Judge,
Sathankulam.

COPY TO:

The Section Officer,
E.R. Section (Civil), Madurai Bench of Madras High Court,
Madurai.
+1cc to M/S.N.SUBRAMANIAN, Advocate SR.No.53678

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JM/JC/05.05.2017/2P/4C