

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (PD) No.1116 of 2018

B.Omprakash Varma ... Petitioner

-Vs-

1.Ragu Baskar

2.Mrs.Vijayalaksmi @ Rani

3.Mrs.K.P.Choodamani

4.Ms.R.S.Thembavani

5.R.S.Kameswaran

6.R.S.Yuvaneswaran

7.Ms.R.S.Panchami

8.Ms.Senghilakshmi ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.12.2017 made in E.A.S.R.No.72363 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 on the file of the X Assistant City Civil Court at Chennai.

For Petitioner : Mr.K.R.Mahesh

For R1 : Mr.T.Velumani

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ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 13.12.2017 made in E.A.S.R.No.72363 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 on the file of the X Assistant City Civil Court, Chennai.

2.According to the petitioner, the petitioner has filed an application in E.A.S.R.No.72363 of 2017 to direct the decree holder to produce the Aadhar Card, Voter ID, Ration Card and Pan Card. The Execution Court has dismissed the said application on 13.12.2017. Challenging the said order, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner would submit that the said application has been filed for producing the aforesaid documents. The petitioner has filed the obstruction petition in the Execution application. The petitioner seeks to produce the copies of the afore mentioned documents, but the Court below, without going

into the merits of the application, simply rejected the same and without numbering the said application, passed impugned order in E.A.S.R.No.72363 of 2017.

4.The learned counsel appearing for the respondents would submit that the above said application was dismissed on the ground that it is not maintainable. Therefore, the Civil Revision Petition is liable to be dismissed.

5.On a perusal of the order passed by the Court below, it is seen that the court below has not considered the contentions raised by the learned counsel for the petitioner and dismissed the application at the un-numbered stage.

6.Therefore, this Court is inclined to pass the following order:

(i) The order passed by the learned X Assistant Judge, City Civil Court, Chennai in E.A.S.R.No.72363 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 dated 13.12.2017 is set aside and the matter is remanded to the Court below;

(ii) The Court below is directed to number the E.A.S.R.No.72363 of 2017, if it is in order and to decide the application on merits, after providing opportunity to the parties concerned; and

(iii) The respondents/plaintiffs shall be permitted to file counter affidavit, within a period of one week from the date of receipt of a copy of this order and thereafter, the Execution Court is directed to dispose of the same.

7.The Civil Revision Petition stands allowed with the above directions. No costs.

16.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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Note : Issue order copy by 21.06.2018

To

The X Assistant Judge,
City Civil Court, Chennai.

D. KRISHNAKUMAR J.,

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