

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

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

CRP(NPD).No.345 of 2018
and CMP.No.1835 of 2018

1.Sadam Hussain
2.M.Salman
3.M.Saleem

.. Petitioners

Vs

1.R.G.Ramasamy Reddy
2.C.S.Munaf

.. Respondents

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 13.12.2017 passed in EA.No.122 of 2017 in EA.No.47 of 2011 in EA.No.9 of 2008 in EP.No.63 of 2006 in OS.No.232 of 2004 on the file of Additional District Munsif Court, Tirupattur.

For Petitioners : Mr.G.Jeremiah

ORDER

According to the revision petitioners, the revision petitioners have filed an application in EA.No.122 of 2017 in EA.No.47

of 2011 in EA.No.9 of 2008 in EP.No.63 of 2006 in OS.No.232 of 2004 under Order 21 Rule 59 of the Civil Procedure Code to stay of all further proceedings in the above Execution Proceedings in REP.No.63 of 2006 till getting the copy of orders dated 17.04.2017 in CRP.No.963 of 2012 from the Registry, stating that challenging the dismissal order passed in EA.No.9 of 2008, the revision petitioners have preferred a Civil Revision Petition in CRP.No.963 of 2012 before this Court and this court has granted an interim order and a copy of the order has also been produced in the aforesaid petition. Thereafter, in the aforesaid Civil Revision Petition, this Court after hearing both sides, allowed the revision petition in favour of the petitioners by setting aside the earlier order dated 10.10.2011 passed by the executing court in REA.No.47 of 2011 with a direction to the revision petitioners to take out an application under Order 21 Rule 58 of the Civil Procedure Code in the execution petition. The said order has not ready, therefore, the revision petitioners have filed the instant application before the court below, which was dismissed by the executing court. Therefore, the revision petitioners have filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioners would submit that the executing court has fixed the auction for the petitioners' property as 24.01.2018. Now the revision petitioners have

filed the present review application, which was also returned. Therefore, the revision petitioners have filed the present Civil Revision Petition before this Court.

3. On perusal of the order passed by the court below, the court below has dismissed the application by holding that the revision petitioners have given incorrect number of the Civil Revision Petition and also not produced the stay application or the stay order passed by this Court. The revision petitioners have admitted that incorrect Civil Revision Petition number has been given. So, there is no doubt about mentioning an incorrect number.

4. When there is some mistake in the order, or wrongly mentioned the number of the Civil Revision Petition, the petitioner can file a review application before the court below. The revision petitioners have stated in paragraph 10 that they have filed a Review application before the court below.

5. Therefore, in the light of the above, at this stage, liberty is given to the revision petitioners to proceed with the review application, if it is already filed. If it has been returned, the same shall be re-presented immediately and in the event of re-presenting the review application, the Additional District Munsif Court, Tirupattur has

to consider the same on merits and in accordance with law as expeditiously as possible.

6. The Civil Revision Petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

02.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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Note: Issue order copy on 06.02.2018



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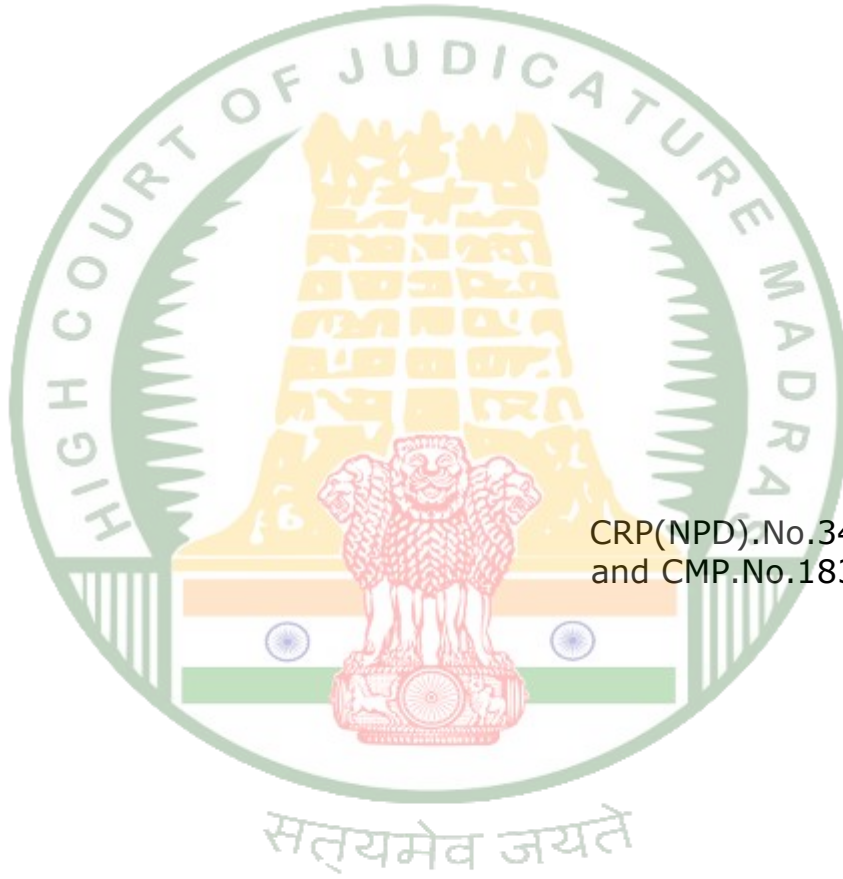
The Additional District Munsif Court,
Tirupattur.



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D. KRISHNAKUMAR J.,

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