

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2018

CORAM:

The Honourable MR. JUSTICE M.S. RAMESH

C.R.P. (NPD) .No. 977 of 2016

and

C.M.P.Nos.5522, 10204 & 16704 of 2016

V.S.A. Babu

.... Petitioner/Judgment Debtor

Vs.

V.C. Santha

.... Respondent/Decree Holder

Prayer:

Civil Revision Petition filed under Section 115 of Civil Procedure Code against order and decretal order in E.A.SR.No.10511 of 2016 in E.P.No.376 of 2003 in O.S.No.6947 of 1974, dated 15.03.2016 on the file of the X Assistant Judge, City Civil Court, Chennai and to set aside the same.

For Petitioner/JD : M/s. N. Kavitha Rameshwar
For Respondent/DH : Mr. M. Udhayakumar

O R D E R

The petitioner has filed the present Civil Revision Petition against order and decretal order in E.A.SR.No.10511 of 2016 in E.P.No.376 of 2003 in O.S.No.6947 of 1974, dated 15.03.2016 passed by the learned X Assistant Judge, City Civil Court, Chennai and set aside the same.

2. The learned counsel appearing for the petitioner seeks time to implead the legal heirs of the deceased petitioner. It is submitted by the learned counsel for the petitioner that the petitioner/Judgment Debtor died in the year 2017 itself. In this connection, several opportunities were given to take steps to implead the legal heirs of the deceased petitioner herein. The learned counsel for the petitioner further submitted that in spite of earnest efforts, they are unable to obtain the addresses of the legal heirs of the deceased petitioner.

3. The learned counsel for the respondent on the other hand submitted that the respondent herein is a Senior Citizen and though the suit in O.S.No.6947 of 1974 came to be decreed on 21.03.1979, she is unable to see the benefits of the decree.

4. In view of the proceedings pendency of the execution proceedings in definitely. In my view, sufficient opportunities has been extended to the petitioner to implead the legal heirs of the petitioner and in spite of the same, steps have not been taken.

5. In the result, the Civil Revision Petition stands dismissed as abated. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

msm

To

X Assistant Judge,
City Civil Court,
Chennai.

C.R.P (NPD) No. 977 of 2016

VD (CO)
SP (25/09/2018)

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