



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(PD) (MD) .No.732 of 2018

A.S. Kasi Iyer (died)
Muthusamy Park Recreation Club,
through its Present Secretary
S.Padmanaba Karayalar

... Petitioner/Petitioner/Plaintiff

Vs.

Shencottah Municipality,
Through its Commissioner,
Shencotah.

... Respondent/Respondent/Defendants

Prayer: This Petition is filed under Article 227 of the Constitution of India seeking a direction to the District Munsif to number the un regd. E.P.No.... of 2017 in O.S.No.154 of 1953 on the file of the District Munsif Court, Shencottah, by allowing this Civil Revision Petition.

For Petitioner ... Mr.T.Selvan

ORDER

This Civil Revision petition is filed for issuing a direction to the learned District Munsif, Shencottah to number the un numbered. E.P.No.... of 2017 in O.S.No.154 of 1953.

2. Since the petitioner has filed the present Civil Revision Petition challenging the return of un-numbered Execution Petition, this Court by order, dated 28.03.2018, directed the Registry to call for a report from the Court below as to why the execution petition filed by the revision petitioner has not been numbered, by furnishing a copy of the original petition.

3. As per the report received from the learned District Munsif Cum Judicial Magistrate, Sivagiri, Shencottah(i/c), it is seen that number of occasions the said Execution petition was returned to the petitioner for making corrections and finally on 12.02.2018, the said Execution Petition was returned for want of certain correction. Thereafter, the petitioner has not represented the same, so far.

4. Therefore, this Court is inclined to direct the learned District Munsif Cum Judicial Magistrate, Shencottah, to number the Execution Petition and pass appropriate orders.



5. In the result, this Civil Revision Petition is disposed of with the following directions:

(a) The petitioner is directed to represent the said Execution Petition within a period of one week from the date of receipt of a copy of this order;

(b) on receipt of the same, the learned District Munsif Cum Judicial Magistrate, Shencottah is directed to number the Execution Petition.

(c) thereafter, the said Magistrate is directed to dispose of the said Execution Petition within a period six months;

(d) No costs.

6. Registry is directed to return the original papers to the learned counsel appearing for the petitioners, after substituting the same with xerox copy, so as to enable him to represent before the Court below.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Shencottah.
2. The Commissioner,
Shencottah Municipality,
Shencottah.
3. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.
4. The Record Keeper, VR/ER Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.T.SELVAN, ADVOCATE IN SR No. 60202

TRP

TE/JC/SAR-4 : 24/04/2018 : 2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>

C.R.P (PD) (MD) .No.732 of 2018
06.04.2018