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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.1404 of 2016

Lakshmanan

... Petitioner

Vs.

1.Durairaj
2.Sivananji
3.Valliammal
4.Sivananainatha Perumal
5.Subramaniyan
6.Karuppan @ Paramasivam
7.Madathi
8.Ammakannu

... Respondents

PRAYER: Petition filed under Section 115 of C.P.C. to set aside the fair and decreetal order made in unnumbered E.A.No.--of 2012 in C.F.R.No.1987 of 2012 in E.P.No.11 of 2009 in O.S.No.270 of 1995 on the file of District Munsif Court, Tiruchendur and allow this Civil Revision Petition.

For petitioner	: Mr.M.V.Venkataseshan
For R1, R4 to R6	: Mr.R.Vijayakumar
For R3, R7 and R8	: No appearance
For R2	: Not Known

ORDER

The revision petitioner was the plaintiff in O.S.No.270 of 1995. The Revision petitioner succeeded at the appellate stage. To execute the decree passed in his favour, E.P.No.11 of 2009 was filed. It appears that some difficulties arose in the matter of execution. There was some difficulty in identifying the suit property itself. Therefore, the revision petitioner filed an E.A., for taking the help of surveyor. The said E.A., was returned by an order dated 21.09.2012. The correctness of the order is questioned in this Civil Revision Petition.

2. This Court is of the view that the E.A., can be numbered and disposed of on merits and in accordance with law. It is made clear that this Court had not gone into the merits of the matter.



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3. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. District Munsif,
Tiruchendur.
2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1CC to Mr. R. Vijayakumar, Advocate, SR.No. 78533
+1CC to Mr. M. V. Venkateshan, Advocate, SR.No. 78323

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PNN
ES/SKN/RSK/SAR 4/05.09.2018/2P/6C