



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (NPD)No.2328 of 2016

and

C.M.P.(MD)No.10743 of 2016

1.Kavitha

2.Vinodhini

... Petitioners

/Vs./

1.S.Pandiyan

2.Santhose Kumar

... Respondents

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records pertaining to the impugned fair and decreetal order dated 05.08.2016 in E.A.No.90 of 2011 in E.P.No.10 of 2011 in O.S.No.120 of 2010 passed by the learned Principal District Munsif Court, Periyakulam and to set aside the same by allowing this civil revision petition.

For Petitioners : Mr.R.Shankar Ganesh

For R-1 : Mr.F.Deepak

For R-2 : No appearance

ORDER

The revision petitioners filed a claim petition in the execution proceedings. The said claim petition was dismissed on merits. Such an order would amount to decree and an appeal will lie. Therefore, this civil revision petition is not maintainable and accordingly, the revision petitioners are at liberty to file an appeal before the First appellate Court. The first Appellate Court shall exclude the time taken in prosecuting this civil revision petition, while computing limitation.

2. With these observations, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)



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To

The Principal District Munsif, Periyakulam.

+1cc to F.Deepak, Advocate in SR No.92818

C.R.P. (MD) (NPD) No.2328 of 2016

NM/SKN/SAR III/30.10.18/2P/3C.