



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.789 of 2016 (NPD)

R.Ganesan ...Revision Petitioner/Second Defendant

Vs.

1.The Kaliyal Rubber Producers Society,
Rep.by its President and Secretary,
Kaliyal Post, Kanyakumari District.

2.T.K.Rajendra Kumar

3.Sabarikanthan ...Respondents 1 to 3/Defendants 4 & 5

4.P.C.Koshy ...3rd Respondent/3rd Defendant

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to call for the records relating to the order passed in E.P No.1 of 2016 in O.S No.129 of 2009 dated 07.04.2016 on the file of the learned District Munsif Court, Kuzhithurai and set aside the same.

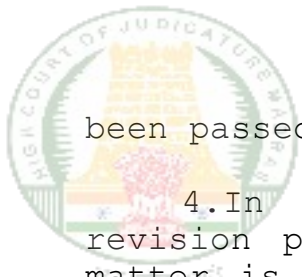
For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.M.Suri for R1 and R2

ORDER

The revision petitioner herein was the second defendant in O.S No.129 of 2009 on the file of the District Munsif Court, Kuzhithurai. The suit was dismissed however with a direction to the second and third defendant to hand over the charge. The grievance of the petitioners in the execution petition is that the said decree was not obeyed. The court below straight away issued the impugned arrest warrant. Hence, this revision petition came to be filed.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the revision petitioner states that he had actually handed over the charge. This submission is recorded. However, his primary contention is that without giving an opportunity to the revision petitioner, the impugned order has



been passed.

4. In this view of the matter, the order impugned in this revision petition is set aside. This petition is allowed. The matter is remitted to the file of the court below. The executing court shall hold an enquiry in EP No.1 of 2016 and thereafter pass orders afresh in accordance with law after hearing both the parties. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Munsif, Kuzhithurai.

+ 1 CC TO Mr.M.Suri , ADVOCATE IN SR No. 83145.

• 1 CC TO Mr.B.Chirstopher , ADVOCATE IN SR No. 82982.

SKM

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