

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.891 of 2018

ORDER:

As against the dismissal of a claim petition filed under Order XXI Rule 58 of the Code of Civil Procedure, the wife and children of the judgment debtor have come up with the above revision.

2. Heard Sri Gajanand Chakravarthy, learned counsel for the revision petitioners.

3. It is seen from the impugned order that the claim petition was dismissed due to the absence of the petitioners. The Executing Court has stated that the petitioners are not interested to appear and represent the matter, and hence, the petition is dismissed.

4. Therefore, it is clear that the dismissal was for non-prosecution. If the dismissal was for non-prosecution, the petitioners can only seek restoration of the application. No revision will lie, as I cannot find fault with the Executing Court for dismissing a petition for non-prosecution.

Hence, the Civil Revision Petition is dismissed, leaving it open to the petitioners to seek restoration.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 24-04-2018

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