

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2019

Coram

The Honourable Mrs.**Justice R.HEMALATHA**

C.R.P.(NPD)No.1761 of 2010

Settu Padayachi

... Petitioner

Vs.

Sakkarapani Padayachi (died)

1.S.Mani

2.Arumugam

3.Kumar

4.Vinayakamoorthy

... Respondents

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 23.10.2008 passed in E.A.No.18 of 2007 in E.P.No.10 of 2000 in O.S.No.326 of 1984 by the learned District Munsif cum Judicial Magistrate, Portnovo.

For Petitioner : Mr.C.R.Krishnamoorthy

For Respondents : Mr.Abdul Saleem for
Mr.Anand Abdul

ORDER

The present civil revision petition has been filed against the orders dated 23.10.2008 passed in E.A.No.18 of 2007 in E.P.No.10 of 2000 in O.S.No.326 of 1984 by the learned District Munsif cum Judicial Magistrate, Portnovo.

2.The revision petitioner is the decree holder/plaintiff in O.S.No.326 of 1984. He filed the petition in E.P.No.10 of 2000 to execute the decree. The said E.P. was dismissed for non payment of batta. Subsequently, the decree holder/revision petitioner filed an application in E.A.No.18 of 2007 to restore the E.P.No.10 of 2000. The learned District Munsif cum Judicial Magistrate, Portnovo, without assigning any reason dismissed the petition as not maintainable. Aggrieved over the same, the present civil revision petition is filed.

3. The orders passed by the learned District Munsif cum Judicial Magistrate, Portnovo reads thus.

"This petition is dismissed as not maintainable. There is no order as to costs"

The learned District Munsif cum Judicial Magistrate, Portnovo has not stated how the petition is not maintainable. It is also a non speaking order. Therefore, as rightly contended by the learned counsel appearing for the revision petitioner, the matter is liable to be remitted back to the District Munsif cum Judicial Magistrate, Portnovo for consideration afresh. Moreover, the District Munsif cum Judicial Magistrate, Portnovo is directed to dispose of the application in E.A.No.18 of 2007 within a period of two months from the date of receipt of a copy of this order after affording sufficient opportunity to the revision petitioner.

4. With the above observation, this civil revision petition is disposed of. No costs.

14.08.2019

rrg

Index : Yes/No

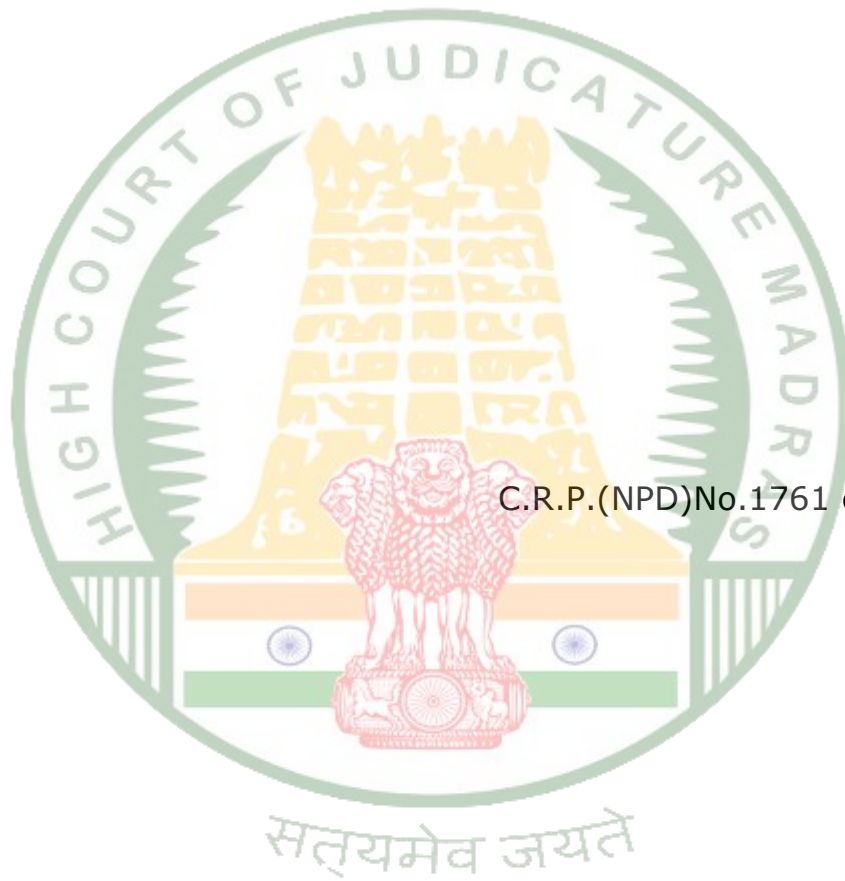
Internet: Yes/No

Speaking order/Non Speaking order

To

The District Munsif cum Judicial Magistrate,
Portnovo

R.HEMALATHA.J.,



C.R.P.(NPD)No.1761 of 2010

WEB COPY

14.08.2019