

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

CRP (NPD) NO.794 OF 2019

AND

CMP NOS.5212 AND 13303 OF 2019

Saraswathi Ammal (Deceased)

1.V.Durairaj

Vasudevan (Deceased)

Nagarajan (Died)

... Petitioner

Vs.

M.Lakshmanan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Docketing order dated 13.02.2019 made in E.P.No.5 of 2019 in O.S.No.84 of 2010 on the file of Principal District Munsif, Kallakurichi.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.S.Krishnasamy

ORDER

The petitioner challenges the docket order dated 13.02.2019 passed by the Execution Court. The Execution Court, on appearance of the petitioner, directed him to file counter and adjourned the matter to 28.02.2019. The said docket order is challenged in this Civil Revision Petition, which reads as under:

"13.2.2019

Court : R2 - Served

R4 - Respondent Reported Dead Copy return

Postal : Not yet received

R2 Durai Raj appeared in person. Memo filed by the Decree Holder stating that D4/R4 is a tenant, steps not required, memo recorded. Memo filed by the R2 stating that CMA preferred in 19 R.No.866 of 2019. Counter of R2 if any, Call on 28.2.2019."

2. On a perusal of the above order, I do not find any irregular procedure adopted by the trial court. The decree is not executable. The petitioner can take steps before the Execution Court and

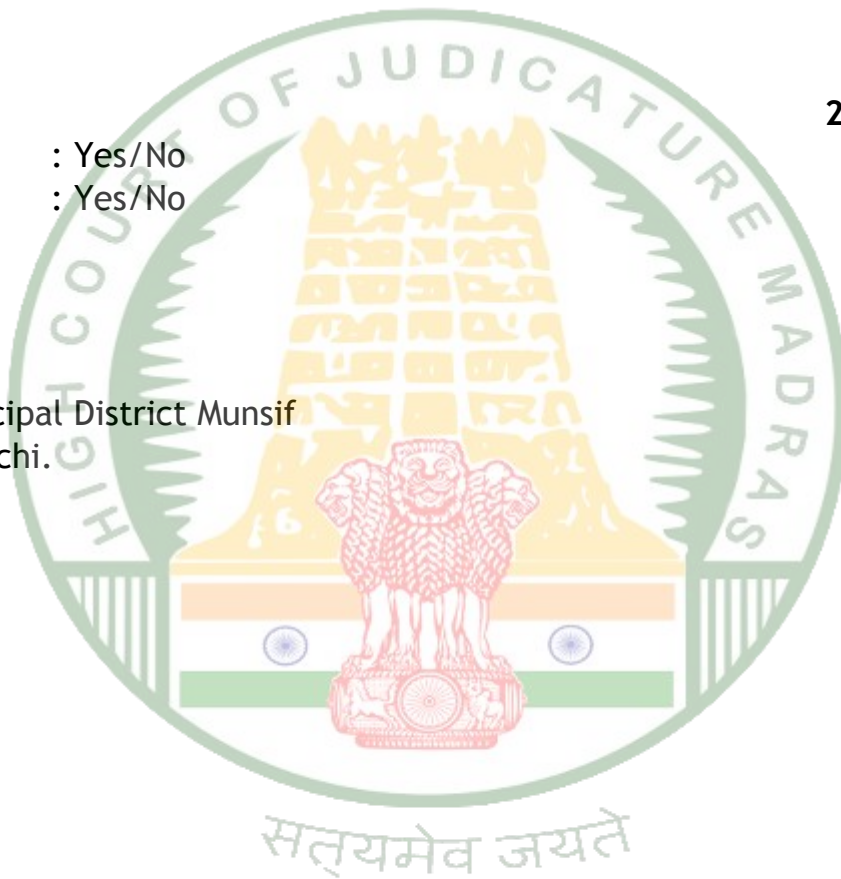
the adjudication dated 13.02.2019 will not fall within the purview of the order challengeable through Civil Revision Petition. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petitions are closed.

27.08.2019

Index : Yes/No
Internet : Yes/No
TK

To

The Principal District Munsif
Kallakurichi.

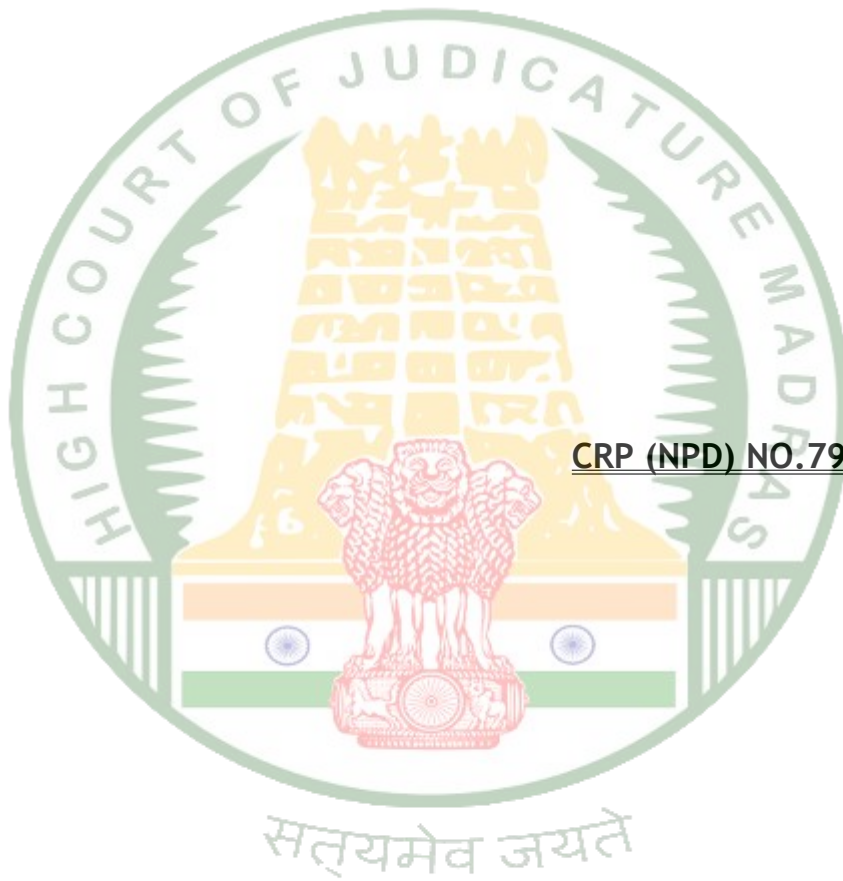


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CRP (NPD) NO.794 OF 2019

M.GOVINDARAJ, J.

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CRP (NPD) NO.794 OF 2019

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27.08.2019