



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) (MD)No.2479 of 2011

and

M.P(MD) No.1 of 2011

Rajan

... Revision Petitioner/Respondent/
Defendant

Vs.

1.Janakiraman
2.Vasanthi
3.Gopalakrishnan
4.Jeganathan
5.Venugopal
6.Thiruppathi

... Respondents/Petitioners/Plaintiffs

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, against the execution proceedings dated 15.11.2011 in E.P.No.14 of 2010 in O.S.No.17 of 2004 on the file of the District Munsif Court, Thirumangalam, Madurai District.

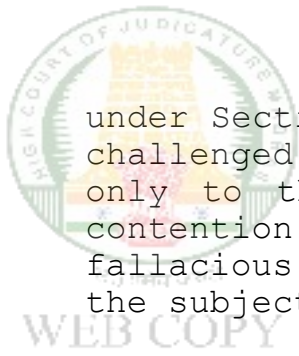
For Petitioner : Mr.R.Aravindan

For Respondents : Mr.R.Subramanian

ORDER

This civil revision petition has been filed challenging the execution proceedings dated 15.11.2011 passed in E.P.No.14 of 2010 in O.S.No.17 of 2004 on the file of the District Munsif Court, Thirumangalam, Madurai District.

2.In the enclosed petition and orders, the order dated 15.11.2011 is not found. From the reading of the grounds, it is seen that the challenge is on the ground that the decree dated 12.06.2006 has become infructuous in view of an amendment made to the decree on 20.07.2010. The petitioner would submit that the Execution Petition can be filed only on the decree dated 20.07.2010. The said order dated 20.07.2010 has been passed on the basis of the memo filed by the petitioner to correct the Court fee from Rs.6,601 to Rs.6,061/-. The said amendment has been carried out. Since it was only a clerical error that has to be corrected



under Section 152 of Code of Civil Procedure that order has not been challenged by the revision petitioner. Further, the amendment is only to the original decree dated 12.06.2006 and therefore, the contention that there is a fresh decree dated 20.07.2010 is fallacious. That apart, there is no order dated 15.11.2011 which is the subject matter of this revision.

3.In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

The District Munsif Court,
Thirumangalam,
Madurai District.

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-90917[F] dated 03/10/2019)

C.R.P. (NPD) (MD)No.2479 of 2011

and

M.P (MD) No.1 of 2011

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CP

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