



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) .No.1639 of 2015

and

M.P. (MD) .No.1 of 2015

1.Periya Esakky Muthu
2.Chinna Esakky Muthu
3.Karpagavalli
4.Esakkiammal

... Petitioners/Respondents/
Defendants

-Vs-

Shajahan

... Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decretal order dated 13.03.2015 passed in E.P.No.17 of 2013 in O.S.No.28 of 2003 on the file of the Principal Sub Court, Tenkasi.

For Petitioners : Mr.S.A.Ganapathyraman
For Respondent : Mr.M.P.Senthil

O R D E R

The civil revision petition has been filed challenging the order passed by the Principal Sub Judge, Tenkasi in E.P.No.17 of 2013 in O.S.No.28 of 2003, dated 13.03.2015.

2. When the matter was taken up for hearing today, Mr.M.P.Senthil, learned counsel appearing for the respondent would submit that the order of the Court below may be set aside and remit the matter back to the Execution Court to decide the application afresh, after affording an opportunity to the parties. Since the order passed by the Principal Sub Judge, Tenkasi is not a speaking order, he has conceded to that extent.

3. The learned counsel appearing for the revision petitioner would submit that the petitioner has filed the present revision petition seeking to set aside the order on the same ground that the order passed by the Execution Court is not a speaking order.



4. This Court also perused the order passed by the Court below and it appears that without providing any reasons, the Court below allowed the petition filed by the respondent herein.

5. In view of the submissions made by both sides and in view of the fact that the order passed by the Court below is not a speaking order, the order dated 13.03.2015 passed by the learned Principal Sub Judge, Tenkasi in E.P.No.17 of 2013 in O.S.No.28 of 2003 is liable to be set aside.

6. Accordingly, the order dated 13.03.2015 passed by the learned Principal Sub Judge, Tenkasi in E.P.No.17 of 2013 in O.S.No.28 of 2003 is set aside and the matter is remitted back to the learned Principal Sub Judge, Tenkasi, to hear the application in E.P.No.17 of 2013 in O.S.No.28 of 2003 afresh and pass a speaking order. However, considering the fact that the Execution Petition is pending for the past seven years, this Court directs the Principal Sub Judge, Tenkasi to dispose of the E.P.No.17 of 2013 on merits and pass a speaking order, within a period of two months from the date of receipt of a copy of this order. The Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

akv

To
The Principal Sub Judge,
Tenkasi.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-89968[F] dated 27/09/2019)

+1 CC to M/s.S.A.GANAPATHYRAMAN, Advocate (SR-90025[F] dated 27/09/2019)

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