

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No.2877 of 2018 and
CMP No.16907 of 2018

K. Nagarajan

... Petitioner

Vs

Arulmighu Beri Kaliamman Temple
Represented by its Executive Officer,
Beripet, Vellore – 634 004.

... Respondent

Prayer: The Civil Revision petition filed under Section 115 of the Code of Civil Procedure, 1905, against the order and decretal order in E.P.No. 166 of 2016 in O.S. No.136 of 2004 on the file of Additional District Munsif, Vellore dated 24.07.2018.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mr.A.K.Sri Ram, for
M/s.A.S.Kailasam and Associates

ORDER

This revision is directed against an order in the Execution petition directing delivery of the suit property to the decree holder.

2. The only grievance of the petitioner is that his counsel was not

heard in the execution petition. In fact, an application was filed on 23.07.2018 to reopen the execution petition to enable the counsel for the Judgment Debtor to make his submissions. The learned District Munsif returned the petition with the following endorsement:

“For the respondent, a liberty was given to argue any time, how this petition is maintainable. Hence, this petition is returned. ”

3. After returning the petition on 23.07.2018, the learned District Munsif, proceeded to dispose of the execution petition itself on 24.07.2018. It is this procedure which is faulted by the learned counsel for the petitioner.

4. The learned District Munsif, could have done well to hear the learned counsel appearing for the Judgment Debtor before disposing of the execution petition or he could have set him exparte and disposed of the execution petition. The order reads as if the petition has been disposed of on merits. There seems to be some justification in the grievance of the petitioner herein. The order impugned is set aside.

5. Mr.V.Lakshminarayanan, learned counsel appearing for the petitioner would submit that his counter part would argue on the day fixed

by this Court.

6. Hence, the Execution petition is directed to be taken up on 09.11.2020 either through physical mode or by virtual mode and the counsel for the Judgement Debtor / petitioner herein shall address his arguments on the said day. It is made clear that no further adjournment will be granted. The learned District Munsif will dispose of the Execution petition on or before 30.11.2020 positively and report such disposal to this Court.

7. In the result, this Civil Revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2020

Note: Registry is directed to despatch the order immediately.

vum

Index: Yes/No

Speaking order / Non speaking order

WEB COPY

To

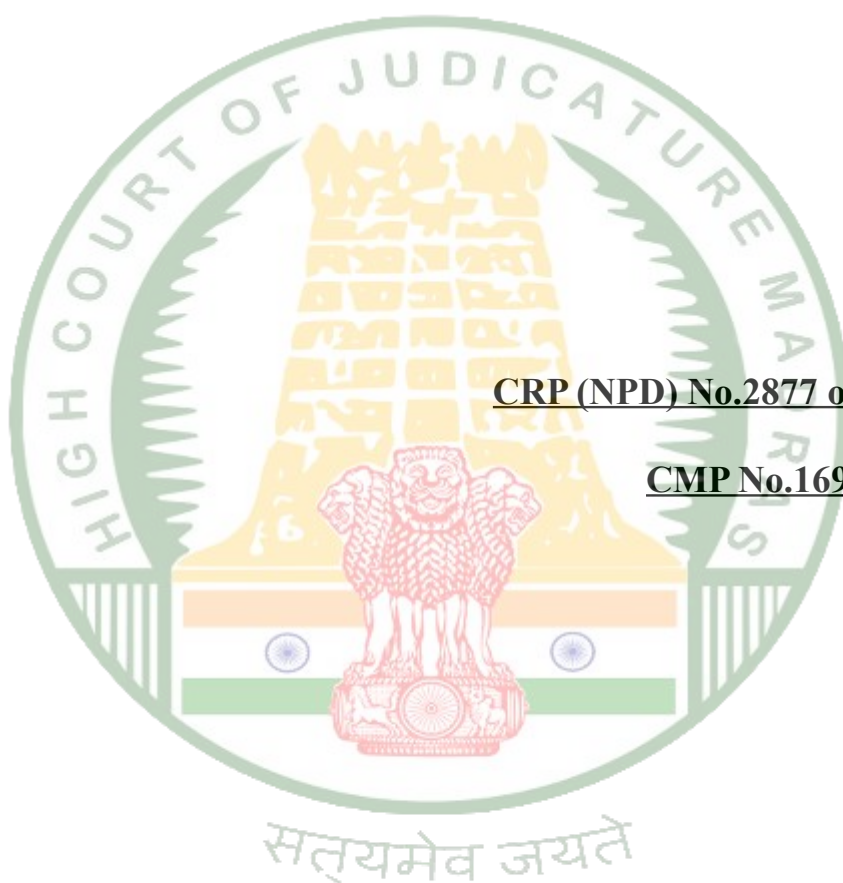
The Additional District Munsif, Vellore

3/4

CRP (NPD) No.2877 of 2018

R.SUBRAMANIAN, J.

vum



CRP (NPD) No.2877 of 2018 and

CMP No.16907 of 2018

WEB COPY

05.10.2020