

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (NPD) No. 3707 of 2018

Bharat Mehta (died)

1.Anita Mehta

2.Mehul Mehta

... Petitioners / Decree Holders

Vs.

1.Dr.M.J.Mehta

2.Vijayalakshmi Mehta

3.Hemant Mehta

Rep. himself and his minor son Vipul Mehta

4.Sandhya Mehta

5.Praveenchand Nahar

... Respondents / Judgment Debtors

Prayer: Civil Revision Petition filed under Section 115 of C.P.C., against the fair and decreetal order dated 09.02.2018 passed in Un.Num.E.P.SR.No. 7846 / 24.01.2018 on the file of the Principal District Judge, Kancheepuram at Chengalpattu.

For Petitioners : Mr.Ashokapathy for Pass Associates

For Respondents : Mr.P.J.Sri Ganesh for R3 & R4

R5- Notice Served

R1 & R2 (Died) - Steps not taken

O R D E R

It is found that the respondents 1 and 2 are no more. The counsel for the petitioners has filed a memo stating that the deceased petitioner, Bharat Mehta and the 3<sup>rd</sup> respondent, Hemant Mehta are the children of the respondents 1 and 2. Since one of the sons, Bharat Mehta had died leaving the petitioners 1 and 2 herein as his legal heirs, the counsel had filed a memo to record the 2<sup>nd</sup> petitioner and the 3<sup>rd</sup> respondent as the legal heirs of the respondents 1 and 2. The said memo is taken on record, the 2<sup>nd</sup> petitioner and the 3<sup>rd</sup> respondent are declared as the legal heirs of the deceased respondents 1 and 2.

2. The petitioners have come up with this revision against an order dismissing their execution petition on the ground that it is barred by limitation. The award was passed on 24.07.2004. The learned Executing Court by taking the date of the agreement that was shown in the first page of the award as the date of the award had chosen to dismiss the execution petition as barred by limitation. The order of the Executing Court is a result of the said mistake. If the Court has taken the correct dated of the award i.e., 24.07.2004, the Execution Petition filed on 28.04.2016 is well within time. Therefore, this civil revision petition is allowed, the order of the Executing Court dismissing the execution petition is set aside, the matter is remitted back to the Executing Court. The Executing Court is directed to take up the execution petition and proceed in accordance with law. No costs.

sd/  
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

kkn

To:

The Principal District Judge,  
Kancheepuram at Chengalpattu.

+1 CC to MR.P.J.Rishikesh Advocate SR NO.39269  
+1 CC to M/S.Pass Associates SR NO.39377

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RLD[CO]  
MK:11/03/2020

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