

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.NPD.No.1303 of 2021
&
CMP No.10176 of 2021

1.M.Shanthi (died)
2,Deepa
3.Srividya
4.Shyalaja

.... Petitioners/D.Hs./Petitioner

Vs

Anand Shankar
Prop. M/s. Chetan Enterprises
No.6, Nehru Nagar, Kottivakkam,
Old Mahabalipuram Road,
Thiruvanmiyur Post,
Chennai-600 041.

... Respondent/J.D./Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the docket order of the learned Principal District Munsif, Alandur in E.A.No.17 of 2020 in E.P.No.12 of 1993 in RCOP No.135 of 2013 dated 11.02.2020 taking it on file and ordering notice to the respondent therein and reject the same consequently direct the learned Principal District Munsif, Alandur, to order delivery of vacant possession of the proerty at Plot No.6, Nehru Nagar, Kottivakkam Village, Mahabalipuram Road, Chennai in E.P.No.83 of 2019 in RCOP No.135 of 2013 forthwith.

For Petitioner .. Mr.V.Sundarraman

For Respondent .. No appearance

ORDER

The learned counsel for the revision petitioner / petitioner in RCOP No.136 of 2013 /Decree holder/Landlord stated that in RCOP No.136 of 2013 judgment was passed directing eviction of the respondent/tenant on 25.03.2019.

2. A decree naturally follows every judgment, if it is an executable order. In the instant case, the very unfortunately either by oversight or for any other reason, had been wrongly dated as 09.02.2019. Taking advantage of this particular date, which is definitely a clerical error, the respondent herein appears to have filed E.A.No.17 of 2020 seeking a declaration that the decree itself is null and void and should be struck off the Court. The said application is now meandering around the court without any progress. With the petitioners herein taking time for filing counter. Counter has not been filed even prior to the lock down in the year 2020 and subsequently also. Now the revision petition has been filed seeking interference of this Court by way of striking down E.A.No.17 of 2020. It only be appropriate that since the Execution

Application has been taken on file and assigned a number, and also notice served to the respondents therein, and also since time had been taken for counter that counter is filed with respect to the averments made therein. Thereafter, the learned District Munsif, Alanthur, may pass an order in E.A.No.17 of 2020.

3. No decree is drafted by the Judge personally and it is only the judgment which is pronounced by the Court. Decree follows. It is drafted based on the reliefs granted. There has been a typographical error with respect to the date. A direction is given to the learned Principal District Munsif, Alandhur, to pass orders in I.A.No.17 of 2020 within two working days from the date on which the counter is filed. The matter to be heard on every successive date and orders shall be passed.

4. With the above observation, this Civil Revision Petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

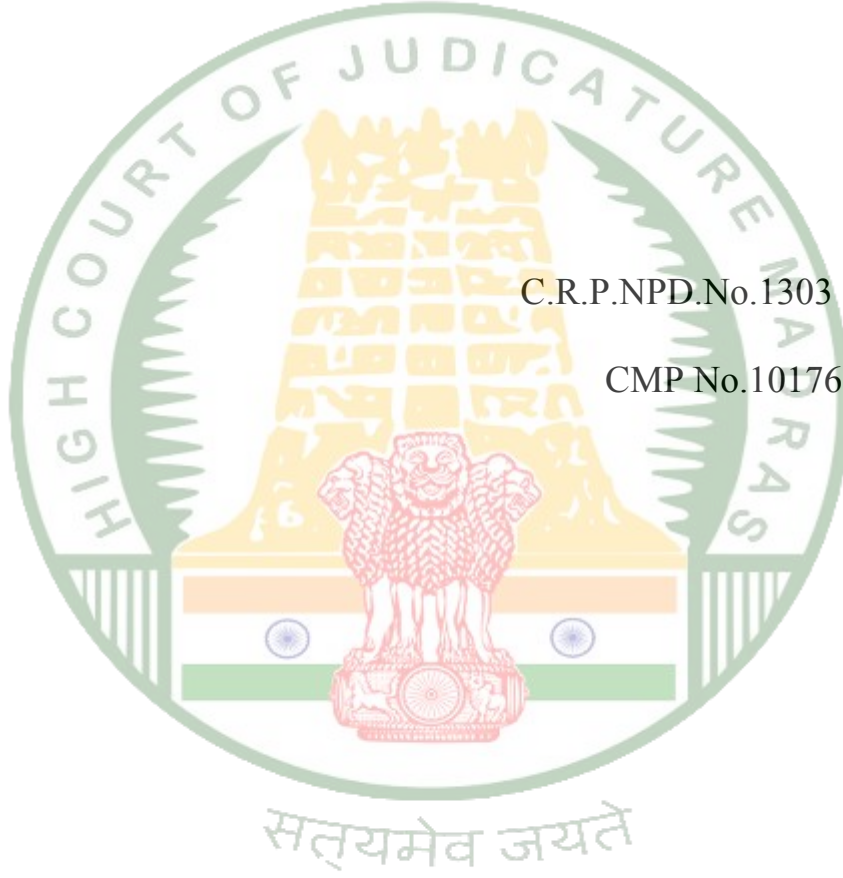
12.07.2021

Internet: Yes/No
Index: Yes/No
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C.V.KARTHIKEYAN,J.

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To
The Principal District Munsif,
Alandhur



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