

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P.(NPD) No.2447 of 2018
and
CMP No.14988 of 2018**

Lakshmi Ammal ... Petitioner

Vs

1. M/s.Srinivasa Warping and Sizing Mills
rep by its partner K.R.Palanisamy
Kutharaipallam, Karuvemppampatti Village,
Tiruchengode Taluk,
Namakkal District.

2. Srinivasa Warping and Sizing Mills,
rep by its partner R.Srinivasan
Door No.47C, Kumarespuram,
Tiruchengode Taluk,
Namakkal District.

[2nd respondent is impleaded as a party
vide Court order dated 01.07.2021 in

CMP No.4260 of 2021 in CRP.No.2447 of 2018] ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the
Constitution of India to set aside the fair and decreetal order dated
04.04.2018 made in R.E.A.No.58 of 2017 in R.E.P.No.61 of 1993 in
O.S.No.275 of 1987 on the file of the Principal District Munsif,
Tiruchengode.

For Petitioner : Mr.P.Tamilavel
For R1 : No appearance
For R2 : Mr.T.L.Thirumalaisamy

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 04.04.2018 made in R.E.A.No.58 of 2017 in R.E.P.No.61 of 1993 in O.S.No.275 of 1987 on the file of the Principal District Munsif, Tiruchengode, thereby dismissing the petition to dispose the Execution Petition and to implead the present partners to the respondent firm.

2. On perusal of the records, the petitioner is the Judgment Debtor. The main contention of the petitioner is that there has been change in the constitution of the partnership firm and therefore the present Execution Petition is not maintainable. It is further stated that as if the decree was passed only as ex-parte decree. Though, it was an ex-parte decree and executable one, while pending the present Civil Revision Petition, a partner filed a petition to implead himself as second respondent in the present Civil Revision Petition. Further he also filed a petition before the Execution Court, to implead himself as a party to the partnership firm. This Court allowed the petition and impleaded as second respondent

in the present Civil Revision Petition.

3. Accordingly, this Court finds no infirmity or illegality in the order passed by the Court below. Hence, the Civil Revision Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

01.07.2021

lpp

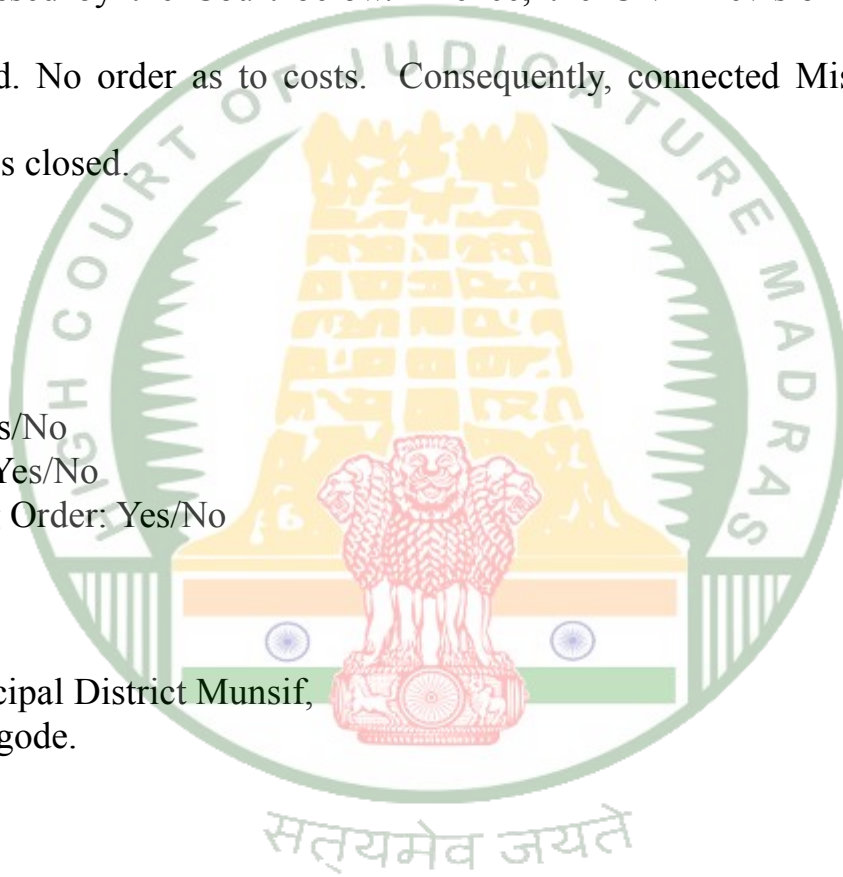
Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

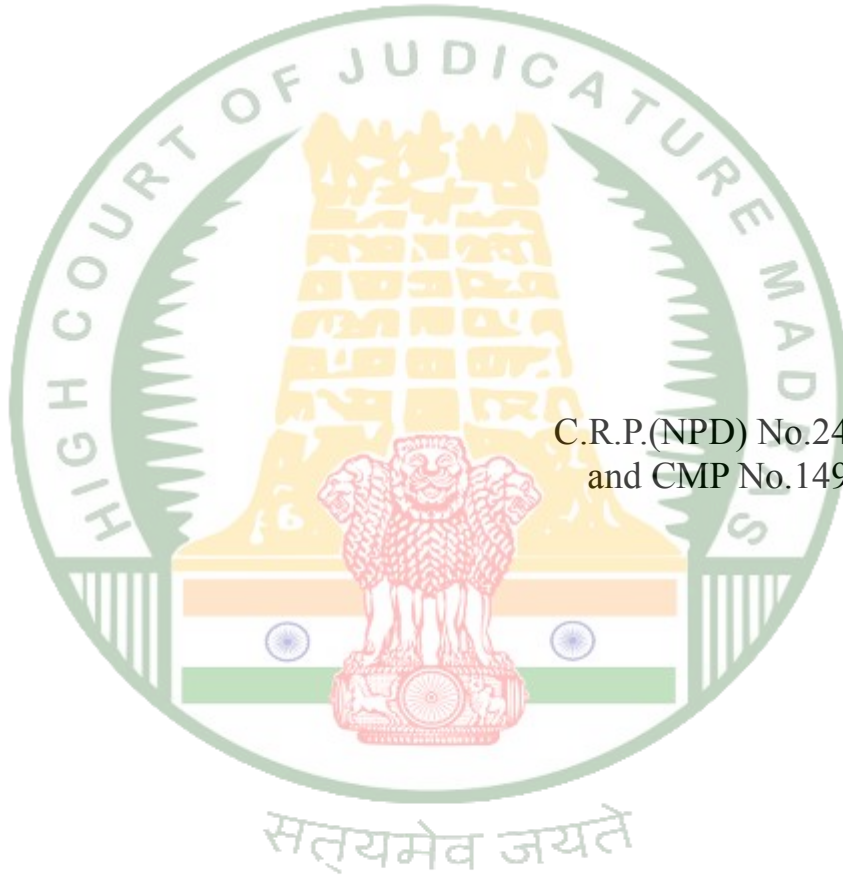
To

The Principal District Munsif,
Tiruchengode.



WEB COPY

G.K.ILANTHIRAIYAN,J.



C.R.P.(NPD) No.2447 of 2018
and CMP No.14988 of 2018

WEB COPY

01.07.2021