

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

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

CRP.NPD.No. 399 of 2018

and

CMP.No.2163 of 2018

1. S.Bhuvaneswari

2. R.Srinivasan

... Petitioners

Vs.

A.Parameswari

... Respondent

PRAYER: The Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order passed in E.A.SR.No.43064 of 2017 in E.P.No.221 of 2017 in O.S.No.2047 of 2009 dated 23.08.2017 passed by the learned IX Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.M.Jaikumar

ORDER

This Civil Revision Petition is directed against the fair and decretal order passed in E.A.SR.No.43064 of 2017 in E.P.No.221 of 2017 in O.S.No.2047 of 2009 dated 23.08.2017 on the file of the learned IX Assistant Judge, City Civil Court, Chennai, thereby dismissing the petition filed under Section 47 of the Code of Civil Procedure.

2. The petitioners are the defendants in the suit filed by the respondent for recovery of money, on the strength of the pro-note dated 10.11.2006. The said suit was decreed by the judgment and decree dated 05.09.2011. On the strength of the decree, the respondent filed an Execution Petition in E.P.No.221 of 2017.

3. Pending the Execution Petition, the petitioners filed a petition under Section 47 of the Code of Civil Procedure to grant an opportunity to be heard and determine the issue omitted and undecided by the trial Court in the suit. It is well settled principle that, since the Execution Court cannot go beyond the decree. Therefore, the Court below rightly dismissed the petition. As such, the petitioners are not entitled for any relief in the said application under Section 47 of the Code of Civil Procedure. Therefore, this Court finds no infirmity or irregularity in the order passed by the trial Court.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.04.2021

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To

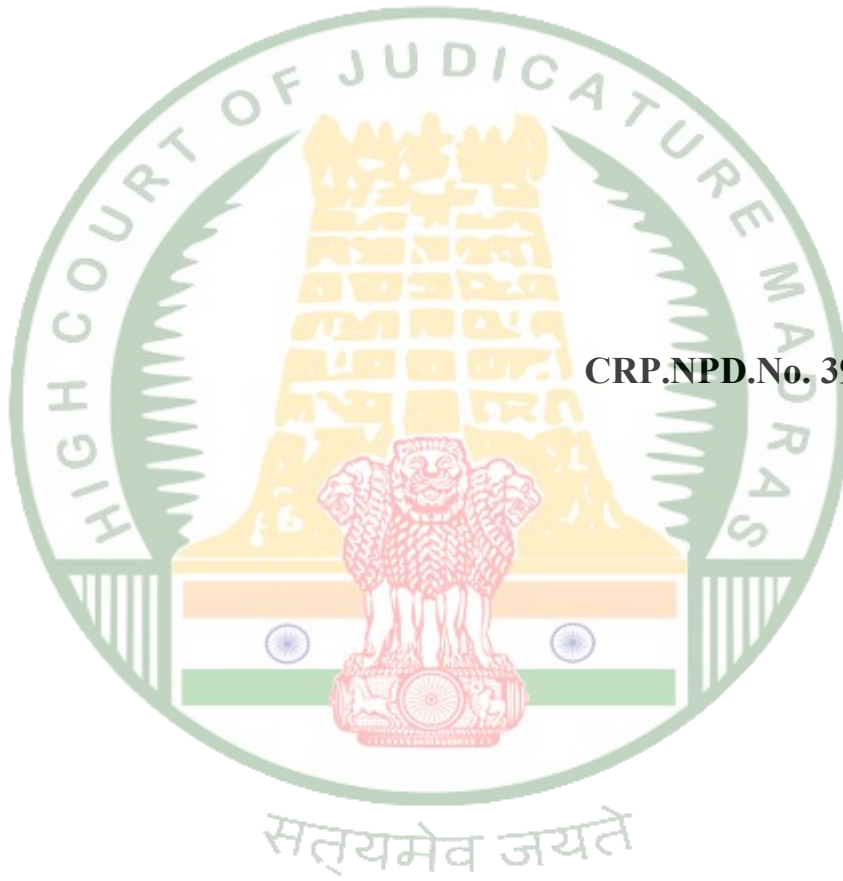
1. The IX Assistant Judge, City Civil Court, Chennai.
2. The Section Officer,
V.R.Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Kv



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