



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P. (PD) (MD)No.802 of 2021

S.K.M.Sahul Hameed

.. Petitioner/Petitioner/Respondent

-Vs-

O.Jahangir

.. Respondent/Respondent/Petitioner

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order, dated 21.01.2020, passed in E.P.No.42 of 2019, returning the unnumbered E.A. Of 2020 on the file of the learned Principal Sub Court, Tirunelveli and consequently, to direct to number the un numbered E.A of 2020 in E.P.42/2019 by allowing this Revision Petition.

For Petitioner : Mr.NA.Palaniyandi

ORDER

This Civil Revision petition has been filed for a direction to the Court below to entertain the application filed by the petitioner in the pending Execution proceedings.

2.It is seen from records that the respondent has filed an Execution Petition against the petitioner, to execute the award passed in the Lok Adalat, based on the settlement memo filed by the parties. In the pending execution proceedings, an application came to be filed by the petitioner seeking for the stay of the execution proceedings.

3.The Court below has returned the application by seeking for an explanation from the petitioner as to how the application is maintainable. The petitioner instead of explaining before the Court below in writing as to how the petition is maintainable, has directly approached this Court seeking for a direction to the Court below to entertain the application.

4.In the considered view of this Court, the petitioner ought to have explained before the Court below as to how the application is maintainable. That would have given a chance for the Court below to consider the explanation given by the petitioner and pass an order. Instead, the present Civil Revision Petition has been filed before this Court.

5.It is left open to the petitioner to explain in writing as to

<https://hcservices.ecourts.gov.in/hcservices/>



how the application is maintainable and re-present the E.A before the Court below and the Court below shall consider the same on its merits and in accordance with law.

6.This Civil Revision Petition is disposed of accordingly. Registry is directed to return back the original Petition and Affidavit in unnumbered E.A. application to enable the petitioner to re-present the same before the Court below.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To

1.The Principal Sub Judge, Tirunelveli.

2.The Record Keeper,
E.R/V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-18671[F] dated 03/06/2021)

C.R.P. (PD) (MD) No.802 of 2021

02.06.2021

_CN(14.06.2021)3P 5C