



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(PD) (MD)No.877 of 2021

R.Muthusamy ... Petitioner/petitioner
versus
P.Ayyangkovil ... Respondent/Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to direct the District Munsif Court, Melur to number the unnumbered E.P. filed in E.P.SR.No.4212 of 2017 dated 11.07.2017 in O.S.No.19 of 2005.

For Petitioner : Mr.V.Santhakumaresan

ORDER

Heard the learned counsel appearing for the petitioner.

2. Considering the nature of the relief to be granted, issuance of notice to the respondent is dispensed with.

3. The petitioner states that he filed O.S.No.19 of 2005 before the District Munsif, Melur, for the relief of Specific Performance. It is further stated that the suit was decreed on 26.07.2005. To execute the same, he filed E.P.SR.No.4212 of 2017. His grievance is that till date, EP has not been numbered.

4. If that be so, if there is no impediment in numbering EP, the Executing Court is obliged to number the same and dispose it of on merits and in accordance with law. If EP is suffering from any defects, the Execution Petition will have to be returned.

5. The learned counsel for the petitioner would contend that in this case, neither the Execution Petition has been returned nor has been numbered.

6. In these circumstances, the Executing Court, namely, the learned District Munsif, Melur, is directed to either number E.P.SR.No.4212 of 2017 or return it. In other words, it cannot be kept in unnumbered stage. This direction is issued by acting on the premise that such EP has already been filed. If no such EP has been filed, it is, of course, the duty of the Executing Court to intimate the counsel properly.



WEB COPY

7. This Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Munsif ,
Melur.

+2 CC to M/s.V.SANTHAKUMARESAN, Advocate (SR-19207[F] dated 11/06/2021)

CRP (PD) (MD) No.877 of 2021
10.06.2021

KB(18.06.2021) 2P 4C