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C.R.P.No.3140 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

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

C.R.P.No.3140 of 2016
and C.M.P.No.15949 of 2016

1. M.E.Arun

2. M.N.Saraswathi

.. Petitioners

Vs.

Chella Muthu

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the orders in E.A.No.403 of 2015 in E.P.No.188 of 2014 in O.S.No.47 of 2009 dated 14.07.2016 on the file of I Additional Sub Court, Erode.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Not ready in notice

ORDER

This Civil Revision Petition has been filed as against the order in E.A.No.403 of 2015 in E.P.No.188 of 2014 in O.S.No.47 of 2009 dated 14.07.2016 on the file of I Additional Sub Court, Erode, thereby dismissed the petition seeking adjournment in the execution petition.

2. The petitioners are the defendants in the suit filed by the respondent in



C.R.P.No.3140 of 2016

O.S.No.47 of 2009 for recovery of money. The Trial Court dismissed the said suit. Aggrieved by the same, the respondent herein preferred an appeal in A.S.No.94 of 2012 and the same was allowed by the first Appellate Court. Aggrieved by the same, the petitioners herein preferred a second appeal which was now dismissed.

3. In pursuant to the decree passed in appeal suit, the respondent filed an execution petition in E.P.No.188 of 2014. Pending the execution petition, by showing that the second appeal is pending before this Court, the petitioners filed E.A.No.403 of 2015 seeking adjournment in the execution petition. However, it was dismissed. Aggrieved by the same, this present revision.

4. It is seen that now the second appeal has been dismissed, confirming the Judgment passed in the appeal suit. Though, the application filed by the petitioners seeking adjournment in the execution petition was dismissed, now the petitioners had achieved their object by filing this Civil Revision Petition and it is pending for more than 6 years.

5. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed.



C.R.P.No.3140 of 2016

WEB COPY

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

23.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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C.R.P.No.3140 of 2016

G.K.ILANTHIRAIYAN,J.

mn

To

The I Additional Sub Court, Erode.

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23.12.2022