



C.R.P(NPD).No.2136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.2136 of 2022

and

C.M.P.No.11047 of 2022

J.Jegan Singh

... Petitioner

..Vs..

- 1.Rajeshwariammal
- 2.Vempannan
- 3.Lenin
- Rajakumari (died)
- Meena (died)
- 4.Shanthi
- 5.Thanga Anbalagan
- 6.Stalin Prakash
- 7.Sathishkumar
- 8.Purushothaman @ Mylathan
- 9.Santhanakrishnan
- 10.Datchayini
- 11.Yashodha

... Respondents

Prayer:- Civil Revision Petition is filed under Section 115 of CPC, against the order passed in E.P.No.196 of 2013 in O.S.No.59 of 2006 on the file of the Additional Sub Court, Tindivanam, dated 25.04.2022.



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For Petitioner : Mr.S.Anburaja

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional Sub Judge, Tindivanam, dated 25.04.2022 made in E.P.No.196 of 2013 in O.S.No.59 of 2006.

2.The revision petitioner is the third party who has filed the claim application under Section 47 CPC and during the pendency of the Execution Petition in E.P.No.196 of 2013, the petitioner has preferred this revision petition.

3.The learned counsel for the petitioner contended that even when the petition filed under Section 47 CPC is pending, the learned Executing Judge has passed the impugned order in execution proceedings. The case diary of the petition filed under Section 47 CPC by the revision petitioner and pending in E.A.No.21 of 2021 would show that the learned



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Executing Judge has passed the following order in the said E.A on 25.04.2022. The orders passed in E.A.No.21 of 2021 is as below:

“For appearance of R7

R1-post returned as insufficient address

R8 to R13 addressee left without instruction

Counter of R2, R6 Court process awaid.”

4.It seems that the revision petitioner expects the Court to tie its hands and should not pass any orders like issuance of notice, for payment of Batta etc in the execution petition, just because he has filed a petition under Section 47 CPC. Had the petitioner come to the Court to get an order for speedy disposal of his petition filed under Section 47 CPC, his intention can be understandable. He has not chosen to file any petition to stay the execution proceedings also. Simply, he had challenged the routine docket orders passed by the learned Additional Sub Judge, Tindivanam, dated 25.04.2022. If the revision petitioner is concerned about the pendency of Section 47 Petition, it is up to him to complete the



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service of notice to the parties early and make the petition ready for enquiry. Since the Executing Judge has not passed any illegal order, it does not warrant any interference. In fact this petition itself appears to be an abuse of process of the Court.

5.In view of the above stated reasons, the Civil Revision Petition is dismissed and the order of the learned Additional Sub Judge, Tindivanam, dated 25.04.2022 made in E.P.No.196 of 2013 in O.S.No.59 of 2006, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

13.07.2022

vkf

Index:Yes No

Speaking Order:Yes/No

To

- 1.The II Additional District Judge,
Tiruvallur @ Poonamallee.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

Vkr

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