



C.R.P.No.4274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4274 of 2022

H.Lalith Jain

... Petitioner

Vs.

1.Jayalakshmi

2.P.Rajkanna

3.Mekala

4.Mohankumar

5.Coimbatore Auto Industries Ltd.,
Rep.by its Managing Director,
Erode – 638001.

6.A.Gunasekaran

7.Rajendrdan

8.Mallika

... Respondents



C.R.P.No.4274 of 2022

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Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Ld.District Munsif Court, Erode to number the Execution Petition in CFR No.3880 of 2022 in O.S.No.523 of 1995.

For Petitioner : Mr. N.Manoharan

ORDER

The Civil Revision Petition has been filed to direct the Ld.District Munsif Court, Erode to number the Execution Petition in CFR No.3880 of 2022 in O.S.No.523 of 1995.

2. The Execution Petition filed by the revision petitioner was returned firstly on the ground that the Decree and Judgement in AS.No.2 of 2002 was not produced along with the Execution Petition. The second objection was that the petition and the order copy of E.A. No.29 of 2018 is to be produced. With reference to the said two objections, the learned counsel for the petitioner states that the Decree and Judgement in A.S. No.2 of 2002 was taken by way of a second appeal in S.A. No.508 of 2005, and the certified copy of the Decree and Judgement in A.S. No.2 of 2002 was



C.R.P.No.4274 of 2022

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filed along with the second appeal. Thus, the revision petitioner filed the certified copy of the Judgement and Decree passed in SA.No.508 of 2005. Regarding the E.A. order, the petitioner was granted liberty to file execution petition which was ordered. On account of these two reasons, the EP was not numbered by the Execution Court.

3.This Court is of the considered opinion that the Execution proceedings are instituted to execute the decree passed in the suit by the High Court. The decree passed by the High Court in S.A. No.508 of 2005, when the petitioner has filed a certificate copy of the Judgement and Decree passed in S.A.No. 508 of 2005, based on the said decree, the Executive Court can proceed and accordingly, follow the procedures as contemplated.

4. In view of the facts and circumstances, the learned District Munsiff Court, Erode, is directed to number the Execution Petition CFR No.3880 of 2022 in O.S.No.523 of 1995 and proceed with the E.P. in accordance with law.



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C.R.P.No.4274 of 2022

S.M.SUBRAMANIAM.J.,

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5. Accordingly, the present Civil Revision Petition stands **allowed**. However, there shall be no order as to costs.

6. The High Court Registry is directed to return the original papers to the learned counsel on record.

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23.12.2022

Index:Yes
Internet:Yes
Speaking Order

To

1. Ld.District Munsif Court, Erode.

C.R.P.No.4274 of 2022