



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P (MD)No.1405 of 2015 (NPD)

and

M.P. (MD)No.1 of 2015

1.Boarselvi	... Petitioner/2 nd Judgment Debtor/ 2 nd Defendant
2.Selvinimmanuel Rajan	
3.Vijil	
4.Seril	... Petitioners/Legal heirs of Judgment Debtors/Third Party
Vs.	
Syed Mazood	... Respondent/Decree holder/ Plaintiff

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to strike of the E.P.No.120 of 2014 in O.S.No.91 of 1997 on the file of the Sub Court, Tenkasi, Tirunelveli District.

For Petitioners	: Mr.B.Prahalad Ravi
For Respondents	: Mr.M.Saravanan

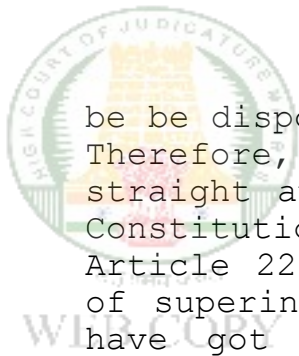
O R D E R

This Civil Revision Petition is filed to strike of E.P.No.120 of 2014 in O.S.No.91 of 1997 on the file of the Sub Court, Tenkasi, Tirunelveli District.

2.The learned counsel appearing for the petitioner would submit that the suit in O.S.No.91 of 1997 was decreed on 08.08.1999 and the execution petition was filed by the respondent after the lapse of 12 years from the date of decree, which is beyond the period of limitation. The trial Court should not have numbered the case, as it is barred by limitation. Therefore, the learned counsel prays that this Civil Revision Petition is liable to be dismissed.

3.Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioners and Mr.M.Saravanan, learned counsel appearing for the respondent and perused the entire materials placed before this Court.

4.The petitioners have entered their appearance in the EP proceedings and they have also filed their objections. The Execution Court can give the reason, if it is beyond the limitation, it can



be be disposed of by the Execution Court in the manner known to law. Therefore, without approaching the Execution Court, the petitioners straight away approached this Court by invoking Article 227 of the Constitution of India. Though it is not in dispute that under Article 227 of the Constitution of India, this Court has got power of superintendence over all the Subordinate Court, the petitioners have got an alternative remedy to file a petition before the Execution Court. In case, Execution petition was filed after the period of 12 years and if it is barred by limitation, the Execution Court can consider the same in accordance with law. Therefore, the petitioner can approach the Execution Court and got an appropriate remedy. In case, the petitioner take such defence, the Execution Court can consider the same, if the Execution Petition was filed only after the period of 12 years and the same can be decided on merits.

5.With the above observation and direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ns

To

1.The Sub Judge,
Tenkasi, Tirunelveli District.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-877[F]
dated 07/01/2022)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-860[F] dated 07/01/2022)

**Order made in
C.R.P (MD)No.1405 of 2015(NPD)
and
M.P. (MD)No.1 of 2015
07.01.2022**

bk (CO)

GC (25.01.2022) 2P 6C

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