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C.R.P.Nos.182 & 183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.Nos.182 & 183 of 2023

M/s.Sri Sakthi Builders,
No.39(51), Om Sakthi Nagar,
Ramanathapuram, Coimbatore-35,
rep.by proprietor V.Sundaram.

... Petitioner in both the CRPs.

Vs

- 1.Union of India, rep by Chief Engineer (Air Force),
No.2, DC Area, MES Road,
Yeshwanthpur, Bangaluru-560 002.
- 2.The Director (Contracts) Chief Engineer (Air Force),
Bangalore – 560 022.
- 3.The Commander Works Engineer (Air Force),
Trivandrum-695 011.
- 4.The Joint Director, (Contracts) Chief Engineer (Air Force),
Bangalore – 560 022.
- 5.The Garrison Engineer, (Air Force)
Sulur – 641 401.



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6.JE (QS & C) Garrison Engineer, (Air Force)
Sulur – 641 401.

... Respondents in both the CRPs.

Prayer in CRP No.182/2023: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Principal District and Sessions Court at Coimbatore to take on file and number the Execution Petition pending in E.P.Filing No.4935 of 2022 dated 12.10.2022 and to decide the same on merits in accordance with law by allowing the present Civil Revision Petition.

Prayer in CRP No.183/2023: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Principal District and Sessions Court at Coimbatore to take on file and number the Execution Petition pending in E.P.Filing No.4934 of 2022 dated 12.10.2022 and to decide the same on merits in accordance with law by allowing the present Civil Revision Petition.

For Petitioners : Dr.G.Krishnamurthy



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COMMON ORDER

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The grievance of the revision petitioner is that the Registry of the District and Session's Court, Coimbatore, is returning the execution petition filed by the revision petitioner repeatedly on the same ground despite the fact that the defence noted their complaint.

2. This Court cannot scrutinise the correctness of the execution petition filed by the revision petitioner before the District Court, Coimbatore. It is for the Court concerned to scrutinise the papers and accordingly number the execution petition if it is otherwise in order.

3. Certain queries raised are answered by the revision petitioners and again it was returned. In such circumstances, the District Court concerned is at liberty to list the matter before the Court for maintainability or non-compliance of defence and pass an order in the open Court by hearing the learned counsel who has presented the execution petition. If such a



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procedure is followed, then it would be convenient for the parties to put forth their grievances in a legal manner for the purpose of numbering the execution petition.

4. Thus, the District and Sessions Court at Coimbatore shall hear the execution petition in the open court by affording an opportunity to the learned counsel who presented the papers, clarifying the defects or issue direction to rectify the same and accordingly proceed with the matter by following the procedure as contemplated.

5. Accordingly, the Civil Revision Petitions stand **disposed of**. The High Court Registry is directed to return the original E.P. papers to the learned counsel on record. However, there shall be no order as to costs.

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31.01.2023

Speaking Order
Internet : Yes
Index: Yes

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Copy to:

1. Principal District and Sessions Court,
Coimbatore
2. M/s.Sri Sakthi Builders,
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S.M.SUBRAMANIAM, J.

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