



WEB COPY

CRP(NPD)No.166.



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 24.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(NPD)No.1663 of 2019  
and C.M.P.No.10774 of 2019**

1. B.Rajamanickam (died)

2. R.Margaret

3.R.Kannan

4.R.Raghu

5.R.Manjula

6.R.Malliga

.. Petitioners

(Sole petitioner died, petitioners 2 to 6  
brought on record as legal heirs of the deceased  
sole petitioner viz., B.Rajamanickam vide  
Court order dated 06.07.2023 made in  
C.M.P.No.9873 of 2023 in C.R.P.No.1663  
of 2019 and C.M.P.No.10774 of 2019)

**Vs.**

1.M.Kamaraj

2.M.Panneerselvam

3.M.Prakash

... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India,  
against the docket order dated 17.12.2018 in E.A.No.5090 of 2018 in E.P.No.1600 of

<https://www.mhc.tn.gov.in/judis>



2016 in O.S.No.5790 of 1986 passed by the learned X Assistant Judge, City Civil Court, Chennai.

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For Petitioners : Mr.G.Prem Anand Rao

For R1 : Mr.T.E.Krishna

### **ORDER**

A decree of the year 1992 is sought to be assailed by way of a petition under Section 47 of the Code of Civil Procedure. The ground on which the petition under Section 47 of C.P.C. had been filed is that, the property is incapable of being divided, and therefore, the decree has to be held as inexecutable. I have my own doubts if such a prayer is maintainable, but at this stage, I do not want to interfere with the powers of the learned X Assistant Judge, City Civil Court, Chennai, to pass orders in E.A.No.5090 of 2018.

2. The Civil Revision Petition is disposed of on the following terms:

(i) Suffice to request the learned X Assistant Judge, City Civil Court, Chennai, to take up E.A.No.5090 of 2018 and dispose of the same on or before 30.09.2023.

(ii) The learned X Assistant Judge, City Civil Court, Chennai, is requested not to grant unnecessary adjournments, which might cause harassment to the decree holder.

(iii) In any event, the proceedings will have to be completed by 30.09.2023.



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(iv) On the conclusion of the said proceedings, the learned X Assistant Judge,

City Civil Court, Chennai, shall submit a report to this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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**24.07.2023**

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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**Note:Issue order copy on 24.07.2023**

To

X Assistant Judge

City Civil Court, Chennai.



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**V.LAKSHMINARAYANAN,J.**

Kj

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