



C.R.P.(NPD)No.1478 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.1478 of 2016
and C.M.P.No.8126 of 2016

K.Rajendran

.. Petitioner

Vs.

A.Devamalar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.04.2016 made in E.A.No.3981 of 2015 in E.P.No.1915 of 2013 in O.S.No.4156 of 2010 on the file of the IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.Rajesh Ramanathan



C.R.P.(NPD)No.1478 of 2016

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ORDER

Heard the learned counsel for the petitioner as well as the learned counsel for the respondent. I have carefully gone through the records.

2. The order that has been impugned is the order of redelivery under Section 144 of the Code of Civil Procedure. The order passed under Section 144 of C.P.C., is deemed to be a decree under Section 2(2) of the C.P.C. and therefore, it is not amenable to revision.

3. Therefore, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. Liberty is granted to the petitioner to file an appeal against the order in E.A.No.3981 of 2015 in E.P.No.1915 of 2013 in O.S.No.4156 of 2010, dated 06.04.2016, on the file of the IX Assistant City Civil Court, Chennai, within a period of 30 days from today. I am granting this liberty to file an appeal because the date of the order is 06.04.2016 and the revision was presented on 09.05.2016 i.e., during the vacation, within 30



C.R.P.(NPD)No.1478 of 2016

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days from the date of the order. Therefore, if an appeal is preferred within 30 days from today, then the lower Appellate Court shall number the appeal without insisting upon the application under Section 5 of the Limitation Act.

4. The Registry is directed to return the original fair and decretal order dated 06.04.2016 in E.A.No.3981 of 2015 to the civil revision petitioner after getting usual endorsement.

24.08.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

IX Assistant Judge
City Civil Court, Chennai.

3/4



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C.R.P.(NPD)No.1478 of 2016

V.LAKSHMINARAYANAN,J.

Kj

C.R.P.(NPD)No.1478 of 2016
and C.M.P.No.8126 of 2016

24.08.2023