



C.R.P. No. 966 of 2023

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T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the revision petitioners.

2. The learned counsel for Revision Petitioners would submit that this Court by an order dated 03.04.2023 disposed of the above C.R.P. with a direction. However, the learned counsel would submit that as this Court directed the learned trial judge to number the application and dispose the same on merits, the original petition filed by the petitioner may be returned in order to proceed further with the matter. Accordingly, the matter is listed today.

3. Heard the contentions of learned counsel for revision petitioners and perused the order.



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4. Considering his submissions, at the end of para 4 of the order, it shall be added as follows :-

“Registry is directed to return all the original petitions/documents filed by the Revision Petitioner in order to proceed with the matter before the appropriate forum.”

5. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.No. 966 of 2023 dated 03.04.2023 and issue fresh order copy to the Revision Petitioners.

11.07.2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP.No.966 of 2023

1.M/s.Sree Rajendra Mills Ltd., Salem
Gandhi Nagar,
Leigh Bazaar,
Salem
2.S.Chokalingam
3.C.Sundaram
4.C.Muthu

... Petitioners

Vs.

1.P.V.Kalyan Sundaram
2.Aruljyothi Kalyanasundaram

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India challenging the docket order dated 08.03.2023 passed in unnumbered REA of 2023 in REP.No.142 of 2022 on the file of the II Additional District Judge at Salem.

For Petitioners : Mr.Sarath Chandran
for Mr.Harikrishnan



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ORDER

This civil revision petition has been filed challenging the docket order dated 08.03.2023 passed in unnumbered REA of 2023 in REP.No.142 of 2022 on the file of the II Additional District Judge at Salem.

2. The revision petitioners are the judgment debtors, who filed application before the executing court by invoking Section 47 of CPC praying to dismiss the execution petition as not maintainable for the reason of want of jurisdiction and other reasons as spelt out in the application. Before taking on file, the execution court simply returned the application stating that JD is not entitled to file claim petition under Section 47 of CPC.

3. As rightly pointed out by the counsel for the revision petitioner, no reason was assigned by the court below as why JD is not entitled to file such application. Without assigning any reason, the return was made by the court below, as such it is totally unwarranted one.



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T.V.THAMILSELVI, J.

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To
The II Additional District Judge at Salem.

CRP.No.966 of 2023

03.04.2023