



C.R.P.(NPD)No.2775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.2775 of 2023
and C.M.P.No.17135 of 2023

Syumprakasam

.. Petitioner

Vs.

1.Kalaimagal Sabha, a Registered Society
Represented by joint receivers
Shanmugham and Natarajan
Navaneethakrishnan
Administrative Office at
No.48, Usman Road
Thiyagaraya Nagar
Chennai-600 017.

2.Rajagopal
3.Mageshwari
4.Kuppusami

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, against the fair and decretal order dated 15.06.2023 made in E.A.No.54 of 2018 in E.P.No.32 of 2013 in O.S.No.280 of 2001 on the file of the Principal District Munsif Court at Tindivanam.



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For Petitioner : Mr.R.Thanjan

ORDER

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

2. The petitioner is a third party to O.S.No.280 of 2001 on the file of the Principal District Munsif Court at Tindivanam. In pursuance of the decree that had been obtained, E.P.No.32 of 2013 was presented by the plaintiff/1st respondent. The third party would seek to file a claim petition under Section 47 of the Code of Civil Procedure. The claim petition is not maintainable under Section 47 of C.P.C., but only maintainable under Order XXI Rule 58 of C.P.C. An order under Order XXI Rule 58 of C.P.C. is appealable as a decree by virtue of Order XXI Rule 58(2) of C.P.C. Therefore, a remedy for the civil revision petitioner is only to prefer a Civil Miscellaneous Appeal against the order passed by the learned Principal District Munsif at Tindivanam, in E.A.No.54 of 2018 in E.P.No.32 of 2013 in O.S.No.280 of 2001, dated 15.06.2023.



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3. This revision has been filed within 30 days from the date of the order passed by the learned Principal District Munsif at Tindivanam. Therefore, while dismissing the revision as not maintainable, since it is appealable, I grant 30 days time to the civil revision petitioner to move the appellate Court.

4. With the above direction, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

5. Office is directed to return the original fair and decretal order dated 15.06.2023 in E.A.No.54 of 2018 to the civil revision petitioner, after taking usual endorsement.

14.08.2023

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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V.LAKSHMINARAYANAN,J.

Kj

To

The Principal District Munsif
Tindivanam.

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