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C.R.P. (NPD) NO.722 OF 2023

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

**DATED : 12.04.2023**

**CORAM:**

**THE HON'BLE DR.JUSTICE D.NAGARJUN**

**C.R.P. (NPD) NO.722 OF 2023**  
**AND CMP NO.5597 OF 2023**

K.Murugan

... Petitioner

**Vs.**

Ramalingam

... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 12.07.2022 in EP No.266 of 2018 in O.S.No.556 of 2017 passed by the learned II Additional Principal Subordinate Judge, Villupuram.

For Petitioner : Mr.B.Leelesh Sundaram  
for M/s.Nathan and Associates

**ORDER**

Heard Mr.B.Leelesh Sundaram, learned counsel appearing on behalf of M/s.Nathan and Associates, learned counsel on record representing the petitioner.



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2. This Civil Revision Petition is directed against the order dated 12.07.2022 in EP No.266 of 2018 in O.S.No.556 of 2017 on the file of learned II Additional Principal Subordinate Judge, Villupuram, on the ground that within three months from the date of passing of the decree, the Execution Petition has been numbered, taken up, without even issuing any notice to the petitioner.

3. The learned counsel for the petitioner submitted that the respondent / decree holder, without resorting to attachment and sale of the movable and immovable properties belonging to the petitioner / judgment debtor for recovery of decretal amount has filed a petition under Order 21 Rule 37 CPC seeking arrest of the petitioner, in order to harass him.

4. Execution Petition is stated to be posted for enquiry before the Trial Court. According to the learned counsel, the petitioner has made an attempt before the Trial Court to move an application under Section 47 CPC in the open Court directly but the same was not accepted.

5. Considering the circumstances and on going through the materials available on record, this Court is of the opinion that the present



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Civil Revision Petition is filed prematurely, the Trial Court is directed to consider the grounds on which the petitioner has filed this Civil Revision Petition, while passing orders in EP No.266 of 2018. Further, in case, if the petitioner intends to move an application under Section 47 CPC, the Trial Court is directed to consider and dispose of the same on merits and in accordance with law.

6. With these observations, the Civil Revision Petition is disposed of, at the admission stage itself. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**12.04.2023**

Index : Yes/No  
Internet : Yes/No  
TK

To

The II Additional Principal Subordinate Judge  
Villupuram.



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**DR.D. NAGARJUN, J.**

TK

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