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C.R.P.No.4435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4435 of 2023

and

C.M.P.No.26812 of 2023

Vijayalakshmi

... Petitioner

-Vs-

S.Sivakumar

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 13.09.2023 made in E.P.No.58 of 2023 on the file of the learned Additional Sub Court, Puducherry by allowing this CRP.

For Petitioner

: Ms.R.T.Sundari

ORDER

Challenging the impugned order passed in E.P.No.58 of 2023 passed by the learned Addl. Sub-Judge, Puducherry, the Revision Petitioner/judgment debtor preferred this Civil Revision Petition.



C.R.P.No.4435 of 2023

WEB COPY

2. Since the relief is claimed challenging the order passed by the executing court, notice to the respondents is dispensed with.

3. Before the executing court, the Revision Petitioner is the judgment debtor in E.P.No.58 of 2023 and during the pendency of E.P. proceedings, she filed an application under Sec.47 of C.P.C. questioning the executability of the decree passed in I.A.No.362 of 2021 in O.S.N.186 of 2012.

4. The learned counsel for Revision Petitioner would submit that so far, the decree has not been confirmed, however, the issues framed in the original suit and the plaintiff was directed to receive a sum of Rs.7500/- per month from her, thereby the plaintiff is not entitled to seek eviction, without which, the Executing Court is proceeding with the case as per the decree, as such is not maintainable. Aggrieved over the same, the Revision Petitioner/Judgment debtor preferred this Civil Revision Petition.



C.R.P.No.4435 of 2023

5. Records perused. Admittedly, challenging the lower court decree, the Revision Petitioner preferred an appeal in A.S.No.10 of 2023, wherein she is entitled to work out her remedy. Therefore, the Executing Court has rightly dismissed the application in S.No.7134 of 2023 in E.P.No.58 of 2023, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Additional Sub Court, Puducherry



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C.R.P.No.4435 of 2023

T.V.THAMILSELVI, J.

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C.R.P.No.4435 of 2023

13.12.2023