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C.R.P.Nos.4450, 4451 & 2552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

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

C.R.P.Nos.4450, 4451 & 2552 of 2023 &
C.M.P.No.26880 & 15764 of 2023

1.G.Periyathambiran

2.G.Kovi @ Kothandan

... Petitioners in all C.R.Ps.

Vs.

1.R.Jagadeesan

... Respondent in C.R.P.No.2552 of 2023/

1st respondent in C.R.P.Nos.4450 &
4449 of 2023

2.The District Collector,
Kanchipuram District.

3.The Additional District Collector,
Kanchipuram District.

4.The Block Development Officer,
Sriperumbudur Taluk,

Govindasamy (Died)

5.Anjalakshmi

6.Ponna @ Sampath

... Respondents in C.R.P.Nos. 4450 & 4449
of 2023.

PRAYER in C.R.P.No.4450 of 2023: Civil Revision Petition filed under
Article 227 of Constitution of India against the order dated 03.11.2023
passed in E.A.No.9 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008 by



C.R.P.Nos.4450, 4451 & 2552 of 2023

the learned District Munsif, Sriperumbudur, Kanchipuram District.

PRAYER in C.R.P.No.4449 of 2023: Civil Revision Petition filed under Article 227 of Constitution of India against the order dated 03.11.2023 passed in E.A.No.10 of 2023 in E.A.No.9 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008 by the learned District Munsif, Sriperumbudur, Kanchipuram District.

PRAYER in C.R.P.No.2552 of 2023: Civil Revision Petition filed under Article 227 of Constitution of India against the order dated 27.04.2023 passed in E.A.No.8 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008 by the learned District Munsif, Sriperumbudur, Kanchipuram District.

For Petitioner : Mr.R.Venkata Varathan

COMMON ORDER

Challenging the impugned orders (a) dated 03.11.2023 passed in E.A.No.9 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008; (b) dated 03.11.2023 passed in E.A.No.10 of 2023 in E.A.No.9 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008 and (c) dated 27.04.2023 passed in E.A.No.8 of 2023 in E.P.No.10 of 2010 in O.S.No.799 of 2008 by the learned District Munsif, Sriperumbudur, the judgment debtors 6 and 7 filed the present revisions.



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2. Before the trial court, judgment debtors 6 and 7/ the petitioners herein have filed E.A.No.9 of 2023 in E.P.No.10 of 2010 under sections 47 & 151 CPC to declare the decree and judgment passed by the learned District Munsif Court, Sriperumbudur in O.S.No.799 of 2008 is in-executable; E.A.No.8 of 2023 in E.P.No.10 of 2010 under Order 21 Rule 26 CPC for the relief of Stay of the Execution Proceedings in E.P.No.10 of 2010 and E.A.No.10 of 2023 in E.A.No.9 of 2023 in E.P.No.10 of 2023 under section 153 CPC to permit the petitioner to carryout necessary amendment in the affidavit and petition in E.A.No.9 of 2023 in E.P.No.10 of 2010 stating that the summons could not be served to the 7th Judgment debtor and obtained exparte judgment which is unsustainable in the eye of law.

3. The said applications were strongly objected by the decree holder/the respondent herein stating that the decree holder has obtained the executing order in the year 2009 and due to the execution applications filed by the revision petitioners, he was not able to enjoy the fruits of the decree.



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Further they have also filed A.S. SR10660 of 2011 on the file of Sub Court, Kancheepuram, against the judgment and decree dated 23.12.2009 passed in O.S.No.799 of 2008, which is in the stage of SR. as it is filed with the condone delay application in C.M.P.No.417 of 2011 and the same was dismissed and to restore the same, the petitioners/judgment debtors 6 and 7 filed I.A.No.1 of 2023 before the Sub Court, Kancheepuram.

4. Considering the above, the executing court dismissed the above applications. Aggrieved by the same, the judgment debtors 6 & 7/petitioners have preferred these revision.

5. Heard the submissions made on either side and perused the materials available on record.

6. It is seen that the petitioners/judgment debtors 6 & 7 have remained exparte in the Original suit as well as in the execution proceedings. Now in order to drag on the proceedings, they are filing those applications stated above. This Court finds no merit in these revision. Hence, the petitioners/judgment debtors 6 & 7 have to work out their remedy in the



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appeal.

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7. The Sub Court, Kancheepuram is directed to consider and dispose of the restoration application filed by the petitioners/Judgment debtors 6 & 7 in I.A.No.1 of 2023, within a period of three months from the date of receipt of a copy of this Order. The petitioners/Judgment debtors 6 & 7 is also permitted to approach the Sub Court, Kancheepuram along with this order. Till then, before the executing Court, not to pay batta.

8. With the above observations, these civil revision petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

18.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No

Note: Issue order copy on **21.12.2023**



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To

- 1.The District Collector,
Kanchipuram District.
- 2.The Additional District Collector,
Kanchipuram District.
- 3.The Block Development Officer,
Sriperumbudur Taluk,
- 4.The District Munsif, Sriperumbudur, Kanchipuram District.
- 5.The Sub Court, Kancheepuram



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T.V.THAMILSELVI,J.

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