



C.R.P.No.4996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

C.R.P.No.4996 of 2023

and

C.M.P.No.29173 of 2023

Gubendran

... Petitioner

-Vs-

R.Chandrasekaran
Respondent

...

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 17.11.2023 made in E.A.SR.No.90553 of 2023 in E.P.No.367 of 2023 in O.S.No.4176 of 2011 on the file of IX Assistant City Civil Judge at Chennai by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Manikandan

ORDER

Challenging the impugned order passed in E.A.SR.No.90553 of 2023 in E.P.No.367 of 2023 in O.S.No.4176 of 2011 passed by the learned



C.R.P.No.4996 of 2023

IX Assistant City Civil Judge at Chennai, the Revision Petitioner/defendant

preferred this Civil Revision Petition.

2. Before the Execution Court stating that, decree obtained by the decree holder is questionable and non executable. That application was rejected by the trial Judge stating that, the decree had attained finality and the Execution Court cannot go beyond the decree. Moreover, the objections raised by the petitioner / first defendants has not attracted the ingredients of Section 47 of CPC. Aggrieved by the said order, present petition is filed.

3. The learned counsel for the petitioner submitted that, now they got some documents showing that, Plot No.58 Door No.01 was allotted to one Arundhavam in the original suit. Now he obtained this document and raised objections based on the execution of the decree. The said petition was not taken on file.

4. In the light of the above submissions, this Court is inclined to set



C.R.P.No.4996 of 2023

aside the order passed in E.A.Sr.No.90553 of 2023 and directs the IX Assistant City Civil Judge, Chennai to number the Execution Appeal within a period of two weeks from the date of receipt copy of the order and the learned Judge is directed to dispose it within a period of six weeks from the date of numbering the petition.

5. With the above observations and directions, this Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed.

22.12.2023

Index : Yes/No
Speaking Order : Yes/No
sma

To
IX Assistant City Civil Judge at Chennai



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C.R.P.No.4996 of 2023

T.V.THAMILSELVI, J.

sma

C.R.P.No.4996 of 2023

22.12.2023