



C.R.P(MD)No.489 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.489 of 2023

and

C.M.P(MD)No.2360 of 2023

P.Radhakrishnan

... Petitioner/Petitioner/
Respondent/Defendant

Vs.

A.S.S.Sethurama Subramanian

... Respondent/Respondent/
Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Sub-Ordinate Judge, Srivilliputhur to number the Execution Application filed by the petitioner in Unnumbered E.A.No. of 2023 in EP.No.1/2016 in O.S.No.218/2010 filed on 03-02-2023 on the file of the Sub Court, Srivilliputhur.

For Petitioner : Mr.K.Sudaliyandi



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ORDER

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The present revision petition has been filed seeking a direction to the trial Court to number the execution application filed by the petitioner on 03.02.2023 to cancel the warrant of arrest issued against him in E.P.No.1 of 2016 in O.A.No.218 of 2010.

2. According to the learned counsel for the petitioner, he has suffered a money decree and he has been regularly paying the monthly installments. However, when he had sought for adjournment, it was refused and immediately order of arrest was passed. Therefore, he was constrained to file an application to recall the arrest warrant. However, the said application was not numbered. The learned counsel appearing for the petitioner further submits that means enquiry was not conducted before ordering civil arrest.

3. Considering the above said facts, the learned Subordinate Judge, Srivilliputhur is directed to number the E.A for cancellation of the arrest warrant and consider the same on merits and in accordance with law.



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4. With the said direction, this petition stands allowed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

27.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note: Registry is directed to return the original impugned order.

To

1.The Subordinate Judge,
Srivilliputhur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.489 of 2023

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