



C.R.P.(MD) No.2405 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HON'BLE **MR.JUSTICE C.KUMARAPPAN**

C.R.P.(MD) No.2405 of 2023

Soundharajan

... Petitioner

Vs.

1.A.Pathmavathi

2.R.Saraswathi

... Respondents

Prayer:- This Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, 1908, to set aside the fair and decreetal order dated 22.11.2022 made in E.A.No.194 of 2021 in E.A.No.50 of 2017 in E.P.No.90 of 2007 in R.C.O.P.No.192 of 2002 on the file of the Additional District Munsif Court, Madurai Town.

For Petitioner : M/s.M.D.Devi Saravana Priya

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the impugned fair and decreetal order dated 22.11.2022 passed by the Additional District Munsif Court, Madurai Town in E.A.No.194 of 2021 in E.A.No.50 of 2017 in E.P.No.90 of 2007 in R.C.O.P.No.192 of 2002.



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2. The learned counsel for the petitioner would submit that he has moved an application to examine the Ameenah on the ground that the valuation of the property shown by the Ameenah is very less when compared to the valuation arrived at by the petitioner.

3. However, while seeing the counter statement, it appears that while taking delivery, the petitioner was present in the nearby shop and refused to take delivery of all goods. Therefore, the Ameenah was constrained to take delivery of the possession with the assistance of the police.

4. It is also relevant to refer to the observations made by the Court below. The very E.P. was terminated on 14.04.2016. It was observed that if the petitioner herein has got any objection in respect of inventory list, he should have filed an application on the final date of E.P. But, it appears that the application has been filed after 6 months. The Trial Court has also observed that after filing the said application, the petitioner has taken around 4 years for filing the another application seeking leave of the Court to examine the Ameenah. Only on that ground, the Court below has dismissed the application repelling the prayer of the petitioner.



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5. This Court could not find any perversity in the said order. If this Court admit this Civil Revision Petition, it would send wrong signal to District Judiciary. This Court do not find any infirmity in the impugned order passed by the Court below. Further, there are no merits in the present Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No cost.

22.09.2023

Internet : Yes/No
NCC : Yes/No
jen

To

The Additional District Munsif,
Madurai Town.



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C.KUMARAPPAN, J.

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