



CRP(PD)(MD).No.2531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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S.Stephen Raj : Petitioner/Petitioner/Plaintiff

Vs.

1.R.Balasundara Moorthy

2.P.Vasanthi

3.M.Rajeshwari

4.B.Thiruselvam

5.B.Kalishwaran

6.K.Shanmugapriya

7.B.Muthulakshmi

8.R.Krishnaveni : Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal District Court, Ramanathapuram to take the petitioner's execution petition in filing No.EP/57/2023 in O.S.No.41 of 2017 on the file and proceed with the case in accordance with law.



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For Petitioner : Mr.A.Haja Mohideen

ORDER

The Civil Revision Petition has been filed seeking orders to direct the Principal District Court, Ramanathapuram to take the petitioner's execution petition on file No.EP/57/2023 in O.S.No.41 of 2017 on the file and proceed with the case in accordance with law.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the matter was referred to Lok-Adalat and was settled before the Lok-Adalat and an award was passed on 19.12.2019.

3. Since the defendants have not chosen to comply with the award, the petitioner has filed an execution petition for executing the sale deed. But the learned Principal District Judge has returned the petition, directing the decree holder to produce the encumbrance certificate and to furnish the



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deposit particulars and that when the same were furnished, E.P was returned again questioning the maintainability of petition as the earlier execution petition was dismissed as not pressed. He would further submit that when the petition was again represented, requesting the Registry to take up matter before open Court. but subsequently, execution petition was again returned as previous return was not complied with.

4. The learned counsel for the petitioner would submit that the award passed in the Lok-Adalat is yet to be executed and hence, the decree holder was constrained to file the execution petition.

5.It is pertinent to note that this Court has already deprecated the practice of piecemeal returns.

6. As rightly contended by the learned counsel for the petitioner, the returns made by the learned Principal District Judge is not proper and not in accordance with law. Hence, learned the Principal District Judge, Ramanathapuram is hereby directed to take the execution petition on file, if it is otherwise in order and proceed with the same.



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7. With the above observation and direction, the Civil Revision

Petition is disposed of. No costs.

04.10.2023

Note :The Registry is directed to return the original petition, filed along with this revision to the learned counsel for the revision petitioner, retaining a copy of the same.

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

To

The Principal District Court,
Ramanathapuram.



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K.MURALI SHANKAR, J.

das

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