



C.R.P.(MD)No.2707 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P (PD)(MD)No.2707 of 2023

and

C.M.P(MD)No.14154 of 2023

Narayanasamy

: Petitioner/Petitioner/
Respondent

Vs.

Aranthangi M/s.SMNS, Complex,
rep,by its one of the partner,
Fasir Ahamed,
S/o.Mohammed Sulaiman Ravuthar,
Pallivasal Street, Arasarkulam Post,
Arasarkulam Thenpathi,
Aranthangi.

Rep.by
Power Agent,
T.Kaliya Perumal,
S/o.Kumaran.

: Respondents/Petitioners/
Petitioners

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to delete the observation made by the Court in the Cross Examination, dated 15.03.2023 in E.P.No.28 of 2021 in O.S.No.109 of 2017 on the file of the Sub Court, Aranthangi and allow the petitioner



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to cross examine pertaining to the relevant facts and fat in issue in E.P.No.28 of 2021 in O.S.No.109 of 2017 on the file of the learned Sub Court, Aranthangi.

For Petitioner : Mr.R.Paranjothi

ORDER

The Civil Revision Petition is directed against the observation made by the Court in the Cross Examination, dated 15.03.2023 in E.P.No.28 of 2021 in O.S.No.109 of 2017 on the file of the Sub Court, Aranthangi.

2. The respondent has filed the suit for recovery of rent and since the petitioner has remained ex-parte, decree was passed, directing the petitioner to pay Rs.4,15,872/-. Since the decree was not complied with, the respondent has laid the execution petition. During enquiry, the respondent was examined and during cross examination, the petitioner side has put the questions as if the amount was settled out of the Court, but the same was objected by the other side and the objections were sustained by the Executing Court. Challenging the same, the present revision came to be filed.



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3. Admittedly, the petitioner has not filed any application for setting aside the ex-parte decree nor filed any appeal, challenging the decree passed and as such, the decree has become final. It is settled law that the Executing Court cannot go behind the decree. The points now canvassed/advanced should have been taken before the trial Court and the petitioner, after remaining ex-parte and after allowing the decree to become final, cannot be allowed to canvass those aspects in the execution petition.

4. Considering the above, the order sustaining the objections of the decree holder by the Executing Court cannot be found fault with. Hence, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

31.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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K.MURALI SHANKAR,J.

das

To

- 1.The Judge, Sub Court, Aranthangi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P (PD)(MD)No.2707 of 2023
and
C.M.P(MD)No.14154 of 2023

Dated : 31.10.2023