



CRP.(MD)No.2952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRP.(MD)No.2952 of 2023

Mariyayee(Died)

Sarasu (Died)

1.Kavitha @ Mariammal

2.Manivannan

... Petitioners

Vs.

K.M.Moideen(Died)

1.Ummakani Ammal

2.Allavudeen

3.Parish

4.Sirajudeen

5.Aproj

6.Ansardeen

7.Sharmila



CRP.(MD)No.2952 of 2023

8.Nisarudeen

WEB COPY

9.Appas

(1 to 9) plaintiffs impleaded parties amended as per order in I.A.No.619 of 2003 dated 14.10.2003) ... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional Sub-Judge, Pudukkottai to number the unnumbered E.A.S.R.No.772/2020 dated 17.03.2020.

For Petitioners : Mr.K.Vadivelan

ORDER

This civil revision petition has been filed seeking orders to direct the learned Additional Sub-Judge, Pudukkottai to take the petition in unnumbered E.A.S.R.No.772/2020 on file.

2.The learned counsel appearing for the petitioners would submit that preliminary decree for mortgage came to be passed on 18.09.2019 directing the petitioners to pay Rs.87,107.25/- within two months from the date of the judgment along with interest from the date of filing of the suit till the date of judgment on the principal amount of Rs64,500/- at the rate of 1.5% per month and thereafter, at the rate of 6% per annum till the date



CRP.(MD)No.2952 of 2023

of actual realization of the amount and that, the petitioners have filed a lodgment schedule and deposited a sum of Rs.3,79,109.25/- by calculating the interest upto 19.03.2020 and that they have filed an application to record full satisfaction, but the trial Court is yet to take the petition on file and that is why, the petitioners were constrained to file the present civil revision petition.

3.It is seen from the records that the petitioners have already deposited a sum of Rs.3,79,109.25/- into the Court. Admittedly, final decree petition has not been filed till now and as such, there is no bar for Executing Court in taking the petition on file, which was filed in the year 2020. Hence, the learned Additional Sub-Judge, Pudukkottai is directed to take the petition on file, if it is otherwise in order and issue notice to the other side and then to proceed in accordance with law.

4.In the result, this civil revision petition is allowed. No costs.

09.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
gns



WEB COPY



CRP.(MD)No.2952 of 2023

K.MURALI SHANKAR,J.

gns

To

The Additional Sub-Judge,
Pudukkottai.

CRP.(MD)No.2952 of 2023

09.11.2023