



C.R.P.(MD)No.2558 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(PD)(MD)No.2558 of 2023

Jeyaraman

: Petitioner /Petitioner
Decree holder

Vs.

Chellammal (died)

1.Jeyakumar

2.Selvaraj

3.Kumar

4.Kanagaraj

: Respondents/Respondents
Judgment Debtors

Prayer : This Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order passed in E.P.No.45 of 2022 in O.S.No.326 of 2002, dated 07.07.2023 passed by the learned Sub Judge, Thuraiyur.

For Petitioner : Mr.A.Mohammed Haneef



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ORDER

The Civil Revision Petition is directed against the order passed in E.P.No.45 of 2022 in O.S.No.326 of 2002, dated 07.07.2023 on the file of the learned Sub Judge, Thuraiyur, dismissing the execution petition.

2. It is not in dispute that the petitioner has obtained the decree on 10.09.2007; that he has filed an execution petition in E.P.No.53 of 2019 on 12.06.2019 and the same was dismissed on 24.11.2021 and that subsequently, they have filed the second execution petition and the same was taken on file in E.P.No.45 of 2022.

3. The learned Subordinate Judge, after conducting enquiry, has passed the impugned order, dismissing the petition on the ground that the execution petition is barred, since the decree was passed on 10.09.2007 and the second execution petition came to be filed on 04.08.2022, after the period of 12 years.



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4. In view of the above, the impugned order dismissing the petition in E.P.No.45 of 2022 in O.S.No.326 of 2002, dated 07.07.2023 passed by the learned Sub Judge, Thuraiyur, cannot be found fault with. Hence, this Court concludes that the Civil Revision is devoid of merit and the same is liable to be dismissed.

5. At this juncture, the learned counsel for the petitioner would submit that liberty may be given to file an application to restore the petition in E.P.No.53 of 2019.

6. In view of the above, the Civil Revision Petition is dismissed. The petitioner is at liberty to file an application to restore the petition in E.P.No.53 of 2019 and if such application is filed, the trial Judge is directed to consider the same and pass orders in accordance with law. No costs.

12.10.2023

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



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To

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



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P(PD)(MD)No.2558 of 2023

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