



C.R.P.No.1187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.1187 of 2024

and

C.M.P. Nos.6123 and 6124 of 2024

D. Palani S/o. Late Duraisamy Naicker

... Petitioner

vs.

Jayalakshmi W/o. Ramesh Babu

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 10.01.2024 passed in E.A.SR. No.4687 of 2023 in E.P. No.19 of 2019 in O.S. No.111 of 2016 on the file of the District Munsif of Katpadi, Vellore District.

For Petitioner

: Ms.G. Sumithra

ORDER

The Civil Revision Petition is filed seeking to set aside the order of



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return dated 10.01.2024 passed in E.A.SR. No.4687 of 2023 in E.P. No.19 of 2019 in O.S. No.111 of 2016 on the file of the District Munsif of Katpadi, Vellore District.

2. The petitioner herein who suffered decree for specific performance filed the instant application under Section 47 of Code of Civil Procedure with the prayer that entire proceedings in execution of decree is null and void as there was no proper notice under Order XXI Rule 34 of Code of Civil Procedure. The said application was returned by the executing Court on 10.01.2024 raising issue of maintainability. Aggrieved by the same, the petitioner is before this Court.

3. If the petitioner is of the opinion that the petition filed by him is maintainable, it is for the petitioner to offer his explanation and re-present the returned papers before the very same Court. Instead of following that procedure, the petitioner is not entitled to approach this Court by way of revision.

4. In view of the same, the Civil Revision Petition is disposed of with



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direction to the petitioner to re-present the returned papers before the executing Court within two weeks from the date of receipt of copy of this order by offering his explanation regarding the issue of maintainability. If the executing Court is not satisfied with the explanation offered by the petitioner, the matter shall be called in open Court and after hearing the petitioner on the issue of maintainability, appropriate order shall be passed in accordance with law.

5. With this direction, the Civil Revision Petition stands disposed of. No costs. Consequently, Connected miscellaneous petitions are closed.

18.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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Note: - Registry is directed to return the original petition filed by the petitioner in E.A.SR. No.4687 of 2024 to the learned counsel appearing for the petitioner.

To

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The District Munsif,
Katpadi, Vellore District.



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S.SOUNTHAR, J.

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