



WEB COPY



C.R.P.(NPD) No.3388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.11.2024

CORAM

THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.3388 of 2024
and C.M.P.No.18272 of 2024

K.Ramasamy ... Petitioner/3rd Party Owner/Petitioner

-VS-

M.Kalisamy (died)

1. Mani
2. K.Rajkumar
3. K.Muthukumar
4. K.Karthick Kumar

... R2 to R5/Decree Holders/R1 to R4

5. Saraswathi

L.Venkatesh (Died)

... R6 & R7/Judgment Debtor/R5

Prayer: Civil Revision Petition filed under Section 115 of C.P.C. to set the Fair and Decretal Order dated 30.07.2024 passed in E.A.No.3 of 2022 in E.P.No.62 of 2015 in O.S.No.782 of 2010 by the learned II Additional Sub Judge, Coimbatore by allowing the Revision Petition.

For Petitioner : Mr.T.S.Baskaran

For R1 to R4 : Mr.C.R.Prasanan

For R5 : Left (unserved)

ORDER



C.R.P.(NPD) No.3388 of 2024

Challenging the order passed by the Execution Court, dismissing the application filed under Section 47 and Order 21 Rule 101 r/w Section 151 of C.P.C., the present Revision Petition has been filed.

2. It is pertinent to state here that if any resistance or obstruction is caused, appeal under Order 21 Rule 103 of CPC alone is maintainable.

3. At this juncture, learned counsel for the revision petitioner seeks permission of this Court to withdraw the petition with liberty to file appeal before the District Court, Coimbatore and he has also made an endorsement to that effect in the Court bundle.

4. Permission is granted. This Civil Revision Petition is dismissed as withdrawn with liberty to the revision petitioner to file an appeal before the concerned Court on or before **04.12.2024**, taking note of the fact that the revision petitioner has been *bonafidely* pursuing the matter before this Court. Needless to mention that the period during which the



C.R.P.(NPD) No.3388 of 2024

revision petition is pending before this Court shall be excluded for the purpose of computing the limitation. Registry is directed to return the original impugned order to the revision petitioner forthwith after retaining a xerox copy of the same in the bundle. No costs. Consequently, connected Miscellaneous Petition is closed.

26.11.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
ar

Note: Issue order copy on 27.11.2024



WEB COPY



C.R.P.(NPD) No.3388 of 2024

N.SATHISH KUMAR,J.,
ar

C.R.P.(NPD) No.3388 of 2024

26.11.2024