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C.R.P. No.737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.737 of 2022
and CMP.No.3696 of 2022

M/s.Dream Logistics Company
(India) Pvt. Limited,
Dream Chambers,
Near Bus Stand
Yellapur 581 359, Karnataka
rep.by its Managing Director,
Shri Vivek Hebbar

... Petitioner

M/s.Sathya Granites
No.69, Adhiyaman Bye Pass Road,
Dharmapuri 636 701,
Tamil Nadu,
rep.by its Sole Proprietor
Dr.P.K.Pownraj

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India against the order passed on 23.08.2021 in Execution Petition No.34 of 2018 in A.C.No.148/2016 on the file of the Principal District Judge, Dharmapuri.

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For Petitioner : Mr.P.Meghana Nair
For Respondent : Mr.Prashanth Rajagopal

ORDER

This Civil Revision Petition has been filed as against the order passed in E.P.No.34 of 2018 in A.C.No.148/2016, whereby the petition filed by the petitioner under Order 21 Rule 11(2) of CPC has been closed, stating that Civil Revision Petition is pending before the High Court.

2. The learned counsel who is appearing for the petitioner/Decree holder would state that that there is no mention about any CRP number by the learned Judge in the said impugned order and specifically contended that no CRP filed by the judgment debtor/respondent, as stated by the learned Judge, is pending before this Court and would pray for a directon to quash the order passed on 23.08.2021, which is impugned herein.

3. A perusal of the record shows that the learned Judge has not mentioned the CRP number filed by the respondent. Further the present CRP was adjourned many times, and the learned counsel appearing for



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respondent sought for accommodation stating that he has come by way of change of vakalat.

4. When the matter is taken up for hearing today, the learned counsel for the respondent was not able to furnish the CRP number before this Court.

5. It appears that there is no CRP pending. Hence, this Civil Revision Petition is allowed and the order passed on 23.08.2021 in Execution Petition No.34 of 2018 in A.C.No.148/2016, on the file of the Principal District Judge, Dharmapuri, is set aside. Further the learned Judge is directed to dispose of E.P.No.34 of 2018, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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To
The Principal District Judge, Dharmapuri.

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J.NISHA BANU.,J.

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