



C.R.P.No.3470 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.3470 of 2017
and
C.M.P. No.16141 OF 2017

Arunvel S/o. Palanivel

... Petitioner

vs.

1. Avuchigounder S/o. Kandappa Gounder
2. Palanivel S/o. Ramasamy Gounder
3. Lakshmanan (died) S/o. Athiyappa Gounder
4. Pavayee W/o. Late Lakshmanan
5. Soundaram D/o. Late Lakshmanan
6. Athayee D/o. Late Lakshmanan W/o. Thangavel

[Respondents 4 to 6 brought on record as legal
representatives of the deceased respondent no.3

vide order dated 10.08.2022 in C.M.P. No.5355 of 2022]

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the fair and final order passed in R.E.A. No.264 of 2014 in R.E.A. No.263 of 2014 in R.E.P. No.36 of 2004 in O.S. No.33 of 1999 on the file of the learned Additional District Munsif, Namakkal dated 25.03.2015.



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For Petitioner : Mr.D.Selvaraju

For Respondents : Mr. N. Suresh [for R1]
R2, R4, R6 – Served – No appearance
R3 – Died
R5 – Not ready in Notice.

ORDER

The Civil Revision Petition is filed challenging the order passed by the executing Court dismissing the application filed by the petitioner / 3rd party under Order 21 Rule 97 of C.P.C.

2. The adjudication in an application filed under Order 21 Rule 97 of C.P.C. is a deemed decree and hence against the dismissal of the said application, a regular appeal will lie before the First Appellate Court. Therefore, the Civil Revision Petition is not maintainable.

3. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to file a regular appeal before the Appellate Court. It is made clear that the petitioner is entitled to exclude the time during which the Civil Revision Petition was pending before this Court (from 19.06.2015 to the date of receipt of a copy of this order). No costs. Consequently, connected



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miscellaneous petition is closed.

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12.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

Note: The Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner.

To

The Additional District Munsif, Namakkal



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S.SOUNTHAR, J.

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