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C.R.P. (PD) .Nos.3866, 3868 & 3870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.3866, 3868 & 3870 of 2024
and C.M.P.No.24242 of 2024

Valiya Valappil Fareeda

.. Petitioner
(in all cases)

Vs.

1.Ettol Kandathile Purayil Mahaboob

2.Valiya Valappil Abdulla

.. Respondent
(in all cases)

Prayer in C.R.P.(PD.No.3866 of 2024): This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the XXVI Assistant City Civil Judge, Chennai, passed in E.A.No.2 of 2022 in E.P.No.1353 of 2021 in O.S.No.13 of 2017 dated 30.10.2023.

Prayer in C.R.P.(PD.No.3868 of 2024): This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the XXVI Assistant City Civil Judge, Chennai, passed in E.A.No.4 of 2022 in E.P.No.1353 of 2021 in O.S.No.13 of 2017 dated 30.10.2023.

Prayer in C.R.P.(PD.No.3870 of 2024): This Civil Revision Petition is filed



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under Article 227 of the Constitution of India, praying to set aside the order passed by the XXVI Assistant City Civil Judge, Chennai, passed in E.A.No.3 of 2022 in E.P.No.1353 of 2021 in O.S.No.13 of 2017 dated 30.10.2023.

(In all cases):

For Petitioner : Mr.K.M.Ramesh
Senior Counsel

COMMON ORDER

These Civil Revision Petitions are filed against the orders passed by the learned XXVI Assistant City Civil Judge, Chennai, in E.A.Nos.2 to 4 of 2022 in E.P.No.1353 of 2021 in O.S.No.13 of 2017 dated 30.10.2023.

2.A perusal of the papers reveals that E.A.No.2 of 2022 had been presented as a claim petition under Order 21 Rule 58 of Code of Civil Procedure, 1908. In terms of Order 21 Rule 58 (4), it is deemed to be a decree. If it is deemed to be a decree, then the appropriate remedy is to file an appeal against the said order. Revision under Article 227 of the Constitution of India would not be maintainable. Since, it is an order passed by an Assistant Judge, City Civil Court, Chennai, the appeal lies to the Additional Judge, City Civil Court, Chennai.



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3.In view of the above, these Civil Revision Petitions are dismissed with liberty to file an appeal. The period from 30.12.2023 (date of filing of revision) till 24.09.2024 (date of disposal) shall stand excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Issue order copy on 24.09.2024.

To

The XXVI Assistant Judge,
City Civil Court,
Chennai.

V.LAKSHMINARAYANAN, J.



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