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C.R.P.No.4188 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.4188 of 2019

The Assistant Director,
Rural Developments (Audit),
Rep by its President
Pungamuthur Panchayat,
Coimbatore
Now Tiruppur

... Petitioner

Vs.

K.C.Sarathamani
Ex.President
Pungamuthur Panchayat,
Pungamuthur Village,
Karattur, Udumalpet Taluk,
Tiruppur District.

...Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, praying to set aside the fair and final order passed in E.P.No.69 of 2010 in Na.Ka.No.3047/02/A4 dated 01.07.2008 on the file of the Sub-Court, Udumalpet, date 12.01.2012.



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C.R.P.No.4188 of 2018

For Petitioner	:Mr.B.Kumarasamy Mr.R.Babu
For respondent	:Mr.M.N.Balakrishnan

ORDER

The present Civil Revision Petition is filed challenging the order passed by the Court below dismissing the execution petition filed by the petitioner seeking recovery of Rs.5,26,861/- as per the surcharge certificate issued by the petitioner dated 01.07.2008.

2. The execution petition filed by the petitioner was dismissed by the Court below mainly on the ground that the surcharge certificate issued by the petitioner cannot be treated as a decree within the meaning of Code of Civil Procedure.

3. When the matter is taken up for hearing, the learned counsel for the petitioner is unable to cite any provision to suggest that surcharge certificate issued by the petitioner can be treated as a deemed decree for the purpose of execution before the Civil Court. In such circumstances, I do not find any error in the impugned order and accordingly, the Civil Revision Petition stands dismissed.



C.R.P.No.4188 of 2013

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4. It is open to the petitioner to explore other options, if any, available under law for recovery of the amount. No costs.

15.02.2024

Index : Yes / No

Internet : Yes / No

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To

The learned Sub-Judge, Udumalpet



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C.R.P.No.4188 of 2019

S.SOUNTHAR, J.

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CRP.No.4188 of 2019

15.02.2024