



CMP(MD).No.2243 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CMP(MD).No. 2243 of 2019 in
CRP(MD).SR.No.8523 of 2019

The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

... Petitioner

Vs.

E.S.Mohamed Sahib(died)
1.E.M.Abdul Rasak
2.E.M.Fathimal Beevi
3.E.M.Mohamed Ali
4.E.M.Subaidal Beevi
5.E.M.Nafiyal Beevi
6.E.M.Abdul Ali
7.E.M.Abdul Kayyum
8.E.S.Hidayathula
9.E.S.Subbaidal Beevi
10.E.S.Ssahudhana beevi
11.E.S.Mohamed Sabib

... Respondents

PRAYER in CMP(MD).No.2243 of 2019:- Petition filed under Section 5 of the Limitation Act to condone the delay of 1353 days in preferring the above Civil Revision Petition against the fair and decreetal order in E.P.No.47 of 2014 in LAOP.No.91 of 1987, dated 12.03.2015 on the file of the Principal Sub Court, Tenkasi.



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Prayer in CRP(MD).SR.No.8523 of 2019: Civil Revision Petition under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in E.P.No.47 of 2014 in LAOP.No.91 of 1987, dated 12.03.2015 on the file of the Principal Sub Court, Tenkasi.

For Petitioner : Mr.J. Ashok
Additional Government Pleader
For respondents 2 to 5 : Mr. A. Haja Mohideen

ORDER

Against the order passed by the Executing Court in E.P.No. 47 of 2014, the revision is preferred by the petitioner with a delay of 1353 days.

2. The learned Additional Government Pleader appearing for the petitioner would submit that they have already paid a sum of Rs. 28,00,000/- as per the Award. After dismissal of A.S.No.456 of 2001, Execution Petition was filed by the respondents herein in E.P.No.47 of 2014 along with calculation memo. To claim interest and the principal amount due also attachment was ordered by the trial Court on 12.03.2015. According to the learned Additional Government Pleader because of the administrative reasons, the delay has occurred in preferring the revision.



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3. Perusal of the order passed by the executing Court shows that the petitioner herein remained ex parte, attachment order was effected. Without approaching the concerned Court to set aside the ex parte order, the petitioner herein has filed the present petition and hence, this petition is not maintainable. Further, the delay is not properly explained by the petitioner. Hence, this Court is not inclined allow this petition. Accordingly, this petition is dismissed. Consequently, CRP(MD).SR.No.8523 of 2019 is rejected in the SR stage itself.

13.03.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

The Principal Sub Court, Tenkasi.

G.ILANGO VAN,J.



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Trp

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CRP(MD).SR.No.8523 of 2019

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