



C.R.P. No.2281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.2281 of 2023

and

C.M.P.No.13802 of 2023

1.N.Mannankatti
2.M.Rajendran

.. Petitioners

Vs.

1.Mrs.Indirani
2.Dhanasekaran
3.Srinivasan
4.Karunanithi

.. Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the petitioner and the order made in E.P.No.151 of 2020 in O.S.No.518 of 2019 dated 01.12.2022 on the file of the Hon'ble Additional Subordinate Judge-I, Cuddalore.

For Petitioners : Mr.B.Ganesha Moorthy

For Respondents : Mr.P.Suresh Babu
counsel for R1 to R4



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ORDER

WEB COPY This Civil Revision Petition has been filed, challenging the order of the Executing Court as the application to set aside the *ex-parte* decree is already pending and this Court has also condoned the delay in filing such an application.

2. This Court is of the opinion that ordering delivery at this stage does not appear to be correct. Hence, as the Civil Revision Petition filed against the order, condoning the delay is dismissed.

3. This Court is of the view that delivery order passed by the Executing Court has to be set aside and the trial Court shall decide the suit on its own merits. The execution proceedings shall depend upon the decree of judgment. Therefore, the very execution petition is closed at present. Accordingly, the Civil Revision Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Neutral Citation: Yes/No
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To
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The Additional Subordinate Judge-I,
Cuddalore.



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N.SATHISH KUMAR, J.

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