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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.09.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI
CRP.No.4311 of 2025
and CMP.No.22130 of 2025

Raji

... Petitioner

Vs.

1. Dhanasekar

2. Tmt. Kalayani Ammal

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order of the learned District Munsif, Arakkonam dated 20.08.2025 made in EA.No. Unnumbered of 2025 in E.P.No.62 of 2009 in O.S.No.154 of 2000 and direct the learned Munsif, Arakkonam to number the same.

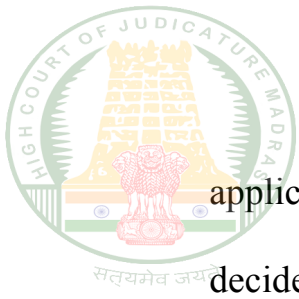
For Petitioner : Mr.G.Jeremiah

ORDER

The revision has been filed challenging the return of EA filed by the petitioner at the unnumbered stage.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner states that the earlier



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application filed by the petitioner as objector in E.A.No.10 of 2011 was not decided on merits which was closed, in view of the issue being decided in O.S.No.157 of 2006. It is an admitted fact that the said Suit has been disposed of and the Second Appeal No.132 of 2014 has also been disposed of. It is the case of the revision petitioner that the petitioner is entitled to prosecute the application under Section 47 of Civil Procedure Code, which is questioning the execution of decree. The learned Executing Court ought to have taken up the application and decided the same on merits, after hearing the parties without returning the same as not maintainable, even at the numbering stage. In ***Selvaraj Vs. Koodankulam (2021 (5) MLJ 467)***, this Court has issued directions to the trial Court as to how the application to be processed at the stage of numbering.

4. In view of the ratio laid down by this Court in *Selvaraj's case*, I am inclined to allow this revision and accordingly, this Court directs the petitioner to re-present the EA.No. Unnumbered of 2025 within a period of 10 days from the date of receipt of the original application from the Registry of this Court and thereupon, the learned District Munsif, Arakkonam shall hear the learned counsel for the petitioner on the issue of maintainability, if



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any and thereafter, pass orders within a period of two weeks. Registry is directed to return the original unnumbered E.A to the learned counsel for the petitioner.

In the light of the above, this Civil Revision Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed. No costs.

11.09.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

dh

To

The District Munsif,

Arakkonam.



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P.B. BALAJI,J.

dh

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