



C.R.P(MD)No.888 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.888 of 2020

Sivaraj

... Petitioner / Plaintiff

Vs

Jagadheesan

... Respondent / Defendant

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C. to call for the records relating to the fair and decreetal order passed in E.A.SR.No.673 of 2020 in E.P.No.54 of 2018 in O.S.No.214 of 2016 by the learned Sub Court, Eraniel, dated 13.08.2020 and set aside the same.

For Petitioner : Mr.A.Balakrishnan

ORDER

This Civil Revision Petition is filed to to call for the records relating to the fair and decreetal order passed in E.A.SR.No.673 of 2020 in E.P.No.54 of 2018 in O.S.No.214 of 2016 by the learned Subordinate Judge, Eraniel, dated 13.08.2020 and set aside the same.



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2. Reading of the order of the Execution Court shows that he has gone into the merits, on the question of limitation even after numbering the petition, which is not proper.

3. On the sole ground, the order passed in E.A.SR.No.673 of 2020 dated 13.08.2020 by the learned Subordinate Judge, Eraniel, is set aside. There shall be a direction to the learned Subordinate Judge, Eraniel, to process the petition and decide the same on its own merits on the judicial side after hearing the revision petitioner on the question of limitation. Let a reasoned order be passed in this regard by the execution Court namely the learned Subordinate Judge, Eraniel. Therefore, the matter is remitted back to the learned Subordinate Judge, Eraniel, for fresh consideration.

4. Accordingly, this Civil Revision Petition is disposed of. No costs.

08.01.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The Subordinate Judge, Eraniel.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
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