



C.R.P(MD)No.779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.779 of 2024

A.R.Jayapal

... Petitioner / Plaintiff

Vs

1.The Chief Educational Officer,
Panagal Building,
Thanjavur Town and Munsifi.

Maragathambal (Died)

2.The District Collector,
Collectorate,
Thanjavur Town & Munsifi.

3.T.Prema

4.G.Dhanpal

5.G.Sekar

6.G.Mohan

7.G.Raja

Cause title amended vide Court order dated
22.03.2024.

... Respondents / Defendants



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Prayer : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order passed in E.P.No. 25 of 2013 in O.S.No.88 of 2002 on the file of District Munsif Court at Pattukottai dated 03.08.2018.

For Petitioner : Mr.V.K.Vijayaragavan

For R1 and R2 : Mr.A.Sivanu Pandian
Government Advocate (Civil)

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed in E.P.No.25 of 2013 in O.S.No.88 of 2002 on the file of District Munsif Court at Pattukottai dated 03.08.2018.

2. The revision petitioner has filed a petition in E.P.No.25 of 2013 and the same was dismissed on the ground that the legal representatives of the second defendant Maragathammal were not brought on record. It appears that it is a mistake committed by the execution Court, since E.A.No.49 of 2015 was filed and the same was allowed by order dated 06.08.2016, the legal representatives were brought on record.



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3. Taking note of the developments, it is seen that the order of dismissal passed by the execution Court is an error on the face of the records.

4. On the sole ground, the order dated 03.08.2018 passed in E.P.No.25 of 2013 in O.S.No.88 of 2002 by the learned District Munsif, Pattukottai, is set aside and the matter is remitted back to the file of learned District Munsif, Pattukottai, with a direction to restore the execution proceedings and proceed in accordance with law, by taking note of the record of proceedings.

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

23.01.2025

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

- 1.The District Munsif, Pattukottai.
- 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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