



C.R.P(MD)No.2964 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2964 of 2024

and

C.M.P(MD)No.16924 of 2024

K.Siva

... Petitioner

Vs

1.Madurai Hindu Permanent Fund Office,
Madurai.

... 1st Respondent / Plaintiff

2.M.Shanmugam

... 2nd Respondent / Defendant

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 04.11.2024 in unnumbered E.A.No.-- of 2024 in E.P.No.49 of 2015 in O.S.No.307 of 2007 on the file of the III Additional Sub Court, Madurai District and number the same.

For Petitioner : Mr.V.Muthusamundeeswaran

For R1 : Mr.M.Vigneshkumar

R2 : Un Claimed



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JUDGMENT

This Civil Revision Petition is filed to set aside the order dated 04.11.2024 in unnumbered E.A.No.-- of 2024 in E.P.No.49 of 2015 in O.S.No.307 of 2007 on the file of the III Additional Sub Court, Madurai District and number the same.

2. The revision petition has been preferred against the order made by the execution Court in E.A.No.SR 22099 of 2024 by the auction purchaser. Originally the revision petitioner paid a sum of Rs.5,25,250/- and for payment of remaining amount of Rs.15,75,750/- 15 days time was granted by the execution Court. That could not be complied. Hence he filed an application for extending the time. It came to be rejected with an endorsement that the petition is not maintainable.

3. The maintainability of the petition ought to have been decided on the judicial grounds. On the sole ground, the order of rejection passed by the learned III Additional Subordinate Judge, Madurai District, dated 04.11.2024 in unnumbered E.A.No.-- of 2024 in E.P.No.49 of 2015 in O.S.No.307 of 2007, is set aside. There shall be a direction to the III Additional Subordinate Judge, Madurai, to process the petition and if any defect arises with regard to the maintainability, it can be taken up on the judicial side. After affording opportunity to the revision petitioner, the matter can be disposed of.



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4. With the above direction, this Civil Revision Petition is allowed. No costs.

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Consequently, connected miscellaneous petition stands closed.

Sd/-

09.01.2025

Sd/-

Assistant Registrar (RTI)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS-I/II/III/IV)

pnn

To

1.The III Additional Subordinate Judge,
Madurai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

3.(*)The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

(To return the Original Papers filed along with the revision petition)
(vide court dated 07.02.2025)

+1 CC to M/s.V.MUTHU SAMUNDEESWARAN, Advocate (SR-8528[F] dated
07/02/2025)



C.R.P(MD)No.2964 of 2024

+1 CC to M/s.S.V.MUTHUSAMUNDEESWARAN, Advocate (SR-1789[F] dated 09/01/2025)

**C.R.P(MD)No.2964 of 2024
and
C.M.P(MD)No.16924 of 2024
09.01.2025**

SL(10.02.2025)/ 4P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.