

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1940 of 2015  
and M.P.No.1 of 2015

- 1.Munithayamma
- 2.Narasimmappa
- 3.Dakshayani
- 4.Minor Nagarathina
- 5.Minor Baby
- 6.Muruges
- 7.Ramesh
- 8.Sujatha
- 9.Minor Premkumar
- 10.Minor Bindhu
- 11.Nanjamma
- 12.Annemma

13.Sudha ... Petitioners  
(Minors 4 & 5 are represented by their father and natural guardian the 2<sup>nd</sup> petitioner, Minors 9 & 10 are represented by their father and natural guardian the 7<sup>th</sup> petitioner)

Vs.

N.V.Mariappa ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.04.2015 in R.E.P.No.4 of 2013 in O.S.No.71 of 2007 on the file of the Principal District Court, Krishnagiri.

For Petitioners : Mr.C.Samivel

**ORDER**

Challenging the fair and final order passed in R.E.P.No.4 of 2013 in O.S.No.71 of 2007 on the file of the Principal District Court, Krishnagiri, the Judgment Debtors have filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.71 of 2007 for specific performance. The said suit was decreed in favour of the plaintiff. Pursuant to the decree passed in the suit, the plaintiff filed the Execution Petition in E.P.No.4 of 2013. The Judgment Debtors filed their counter stating that they are not the owners of the property. The trial Court, taking into consideration the case of both parties, allowed the Execution Petition, finding that the plea taken by the Judgment Debtors before the Execution Court that they are not the owners of the property, cannot be entertained.

3.The learned counsel for the petitioners submitted that the petitioners filed an appeal in A.S.No.854 of 2014 before this Court and that the Division Bench of this Court, by order dated 26.03.2015 in M.P.No.1 of 2014 in A.S.No.854 of 2014, dismissed the stay petition, finding that no case was made out to grant any interim stay. As this Court has dismissed the stay petition, I do not find any reason to keep the order passed in the Execution Petition in abeyance.

4. In these circumstances, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No  
Internet : Yes  
va

**30.04.2015**

To

The Principal District Court,  
Krishnagiri.

**M.DURAI SWAMY,J.**  
va

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