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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

C.R.P. (NPD) (MD) No.1499 of 2015

A.R.Perumalsamy

... Petitioner/Petitioner/Plaintiff

-vs-

S.Rajeswari

.. Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition is filed, under Section 115 of the Code of Civil Procedure, against the order and decreetal order, dated 17.10.2011, passed in E.P.No.15 of 2010 in O.S.No.206 of 2003, on the file of the District Munsif Court, Kovilpatti.

For Petitioner : Mr.R.Devaraj Advocate

O R D E R

The petitioner filed a suit, in O.S.No.206 of 2003, before the learned District Munsif, Kovilpatti, against the respondent herein, praying for a Judgment and Decree of injunction. The suit was decreed as prayed for.

2. Subsequently, the petitioner transferred the property to a third party by way of an exchange deed. Thereafter, he filed an execution petition in E.P.No.15 of 2010 to execute the decree in O.S.No.206 of 2003. The learned Executing Judge, having found that the petitioner has no subsisting interest over the property, dismissed the application. The order, dated 17 October, 2011 is under challenge in this civil revision petition.

3. Heard the learned counsel for petitioner.

4. The petitioner obtained a decree in respect of a specified property. The property was transferred to a third party by way of an exchange deed. There is no question of executing a decree in respect of a property after transfer to a third party. Nothing prevented the petitioner from transferring the decree in favour of the transferee of the property and thereafter to file execution petition by the transferee. <https://hcservices.courts.gov.in/hcservices/> error or illegality in the order passed by the learned Executing Judge. The order does not warrant interference by exercising revisional jurisdiction under Section 115 of the Code of Civil Procedure.



5. In the upshot, I dismiss the civil revision petition. No costs.

Sd/-
Assistant Registrar

/True Copy/

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Sub Assistant Registrar

krk

To:

The District Munsif, Kovilpatti.

+1CC to Mr.R.Devaraj Advocate SR.No.40587

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GJM 12.8.15-2P/3C