

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2016

Coram

The Hon'ble Mr.Justice M.DURAIWAMY

CRP(NPD)NO.861 of 2015

S.A.Abdul Jabbar

...Petitioner

Vs

1. The Commissioner of Finance
Corporation,
rep. By its Power Agent
S.Karthikeyan
S/o Subbusamy
No.117-A, Sengupta Street,
Ramnagar, Coimbatore.

2. K.Subramaniam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against E.A.S.R.No.7152 of 2014 in E.P.No.35 of 2010 in O.S.No.84 of 2004 on the file of the Sub Judge of Sathyamangalam, to direct the Sub Judge of Sathyamangalam to do the numbering of the EASR.No.7152 of 2014 in E.P.No.35 of 2010 in O.S.No.84 of 2004 and dispose of the same.

For Petitioner : Mr.M.Easan

For Respondents : Mr.V.S.Kesavan

O R D E R

The Revision Petitioner, who is a third party to the proceedings, has filed this Civil Revision Petition, challenging the order passed by the

Subordinate Court, Gobichettipalayam, returning the application in E.A.S.R.No.7152 of 2014 in E.P.No.35 of 2010 in O.S.No.84 of 2004, stating that the application filed by a third party under Section 47 of the Code of Civil Procedure is not maintainable.

2. As per the provisions of Section 47 of the Code of Civil Procedure, all questions arising between the parties to the suit alone can file an application under Section 47.

3. The provisions of Section 47 is not applicable to third parties. Admittedly, the revision petitioner is a third party and the Executing Court has rightly rejected the application stating that the application filed by him under Section 47 is not maintainable. I do not find any error or irregularity in the order passed by the Executing Court. The Civil Revision Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

02.08.2016

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To
The Sub Judge
Sathyamangalam

M.DURAIWAMY,J

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