

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAI SWAMY

C.R.P (NPD) No.1379 of 2016

and

CMP No.7675 of 2016

1. Louis Sinnaya Arokiasamy
rep by Power Agent
Victor Sinnaya Jayakumar

2. Dr.Louis Pragasam Cannaiya

..... Petitioners

vs

1. Venkadachalam
Gundu Govindasamy (died) rep by
LRs 2 to 10
Porkalai (died) rep by respondents
4 to 10

2. Ambujam @ Manonmani
3. Thilagavathy
4. Saravanan @ Lambert Saravanan
5. Vijaya
6. Ambika
7. Poongodi
8. Easwari
9. Vembu

..... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India against the fair and decreetal order dated 06.02.2016 made in E.A.No.20 of 2015 in E.A.No.9 of 2013 in E.P.No.185 of 2000 in O.S.No.460 of 1982, on the file of II Additional District Munsif Court, Puducherry.

For Petitioners : Mr.R. Sivakumar

For 1st respondent : Mr.P.V. Ramachandran
for Mr.S. Sethuraman

ORDER

Challenging the order passed in E.A.No.20/2015 in E.A.No.9/2013 in E.P.No.185/2000 in O.S.No.460/1982, on the file of II Additional District Munsif Court, Puducherry, the third party petitioners have filed the above Civil Revision Petition.

2. Pursuant to the decree passed in the suit in O.S.No.460/1982, the Decree Holder filed an Execution Petition in E.P.No.185/2000. During the pendency of the said application, filed under Order 21 Rule 97 of the Civil Procedure Code, the revision petitioner also filed an application in E.A.No.9/2013 to send summons to the Revenue Officials, including the District Collector. Since the

Revision Petitioners are third parties and when their rights have not yet been decided by the executing court in the application, filed under Order 21 Rule 97 of the Civil Procedure Code, the present application, filed at the instance of the third parties, cannot be entertained. When the suit was filed in the year 1982, even after a lapse of nearly 35 years, the plaintiff/decreed holder is not in a position to execute the decree.

3. The Executing Court, taking into consideration on this aspect, rightly dismissed the petition. I do not find any reason to interfere with the order passed by the Executing Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected CMP is closed.

04-08-2016

sr

Index:no
website:yes

To
The II Additional District Munsif Court, Puducherry.

M. DURAISWAMY,J.,

sr

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