

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

CRP (NPD) No.2976 of 2016
and C.M.P. No.15026 of 2016

G.Joseph Peter

... Petitioner

Vs.

T.Kannan

... Respondent

For Petitioner : Mr.T.Jayaramaraj

PRAYER : Civil Revision Petition under Article 277 of the Constitution of India to set aside the Fair and Decreetal Order in E.A.S.R.No.15372 of 2016 in E.P.No.1293 of 2013 in O.S.No.12677 of 2010, dated 10.08.2016(on the file of IX Asst. City Civil Court, Chennai) by allowing the Civil Revision Petition.

ORDER

The revision has been filed by the revision petitioner, who is the third party to the execution proceedings under Section 47 of the Code of Civil Procedure.

2. Even, according to the petitioner, he is an Obstructor and he is not a party to the proceedings, either in the execution petition or in the original

M.DURAIWAMY, J.

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suit. Therefore, the provision of Section 47 of the Code of Civil Procedure are not applicable to a third party. In these circumstances, the dismissal of the application filed under Section 47 of the Code of Civil Procedure by the IX Assistant Judge, City Civil Court, Chennai, is perfectly correct. I do not find any error or irregularity in the order passed by the Executing Court. The Civil Revision petition is devoid of merits and the same is dismissed.

3. Mr. T.Jayaramaraj, learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file an appropriate application before the Executing Court to establish his right. It is open to the petitioner to file an appropriate application in accordance with law before the Executing Court to establish his right.

No costs. Connected miscellaneous petition is also dismissed.

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To
IX Asst. City Civil Court,
Chennai

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