

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-11-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.NPD.Nos.1995 & 1996 OF 2017

Kamakshi Ammal	...	Petitioner in both C.R.Ps.
	-VS-	
1.Arumugham @ Anandhan		
2.Manjula	...	Respondents in C.R.P.NPD.No.1995/2017
Manjula	...	Respondent in C.R.P.NPD.No.1996/2017

C.R.P.NPD.No.1995 of 2017 is filed against the order, dated 07.03.2017, passed in E.A.No.35 of 2017 in E.A.No.524 of 2016 in E.P.No.52 of 2015 in O.S.No.142 of 2013, on the file of Principal District Munsif, Cuddalore.

C.R.P.NPD.No.1996 of 2017 is filed against the order, dated 07.03.2017, passed in E.A.No.36 of 2017 in E.A.No.526 of 2016 in E.P.No.52 of 2015 in O.S.No.142 of 2013, on the file of Principal District Munsif, Cuddalore.

For petitioner : Mr.R.Gururaj

For respondents : Mr.K.A.Ravindran

COMMON ORDER

These Civil Revision Petitions are filed against the rejection of Execution Applications, filed under Section 47, Order 21, Rule 99 of the Code of Civil Procedure.

2. According to the petitioner, both the applications filed under Section 47, Order 21 Rule 99 CPC will not go together and, therefore, they should be rejected.

3. The case of the respondents/petitioners before the execution Court is that they have purchased the property by way of a sale deed from the decree holder. By the sale deed executed by the revision petitioner/decreed holder, they are entitled to half share in the property, whereas, the decree holder has filed the suit, without impleading the second respondent/purchaser in the suit, and, therefore, the applications were filed under Order 47, with regard to their title and obstruction from taking possession of the property.

4. The trial Court, considering the materials available before it and ascertaining the veracity of the submissions made by the second respondent, and holding that when there is a statement of sale by the decree holder, the decree, which is sought to be executed, will certainly affect the rights of the second respondent, dismissed the applications, as the claim cannot be rejected at the threshold and the issues have to be decided on merits. Therefore, I do not find any discrepancy in the order passed by the execution court.

5. In the result, these Civil Revision Petitions are dismissed. No costs. Considering the facts and circumstances of the case, the execution court is directed to

pass orders in the execution applications, as expeditiously as possible. Consequently, the connected C.M.P.Nos.9669 and 9670 of 2017 are also dismissed.

21-11-2017

Index : Yes/No

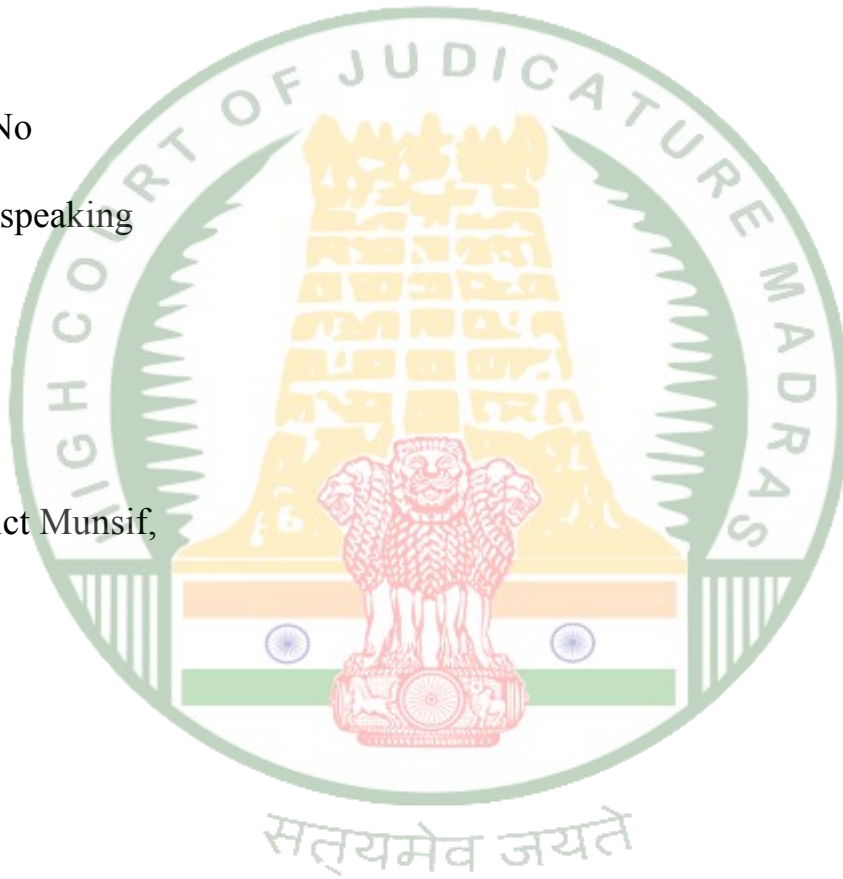
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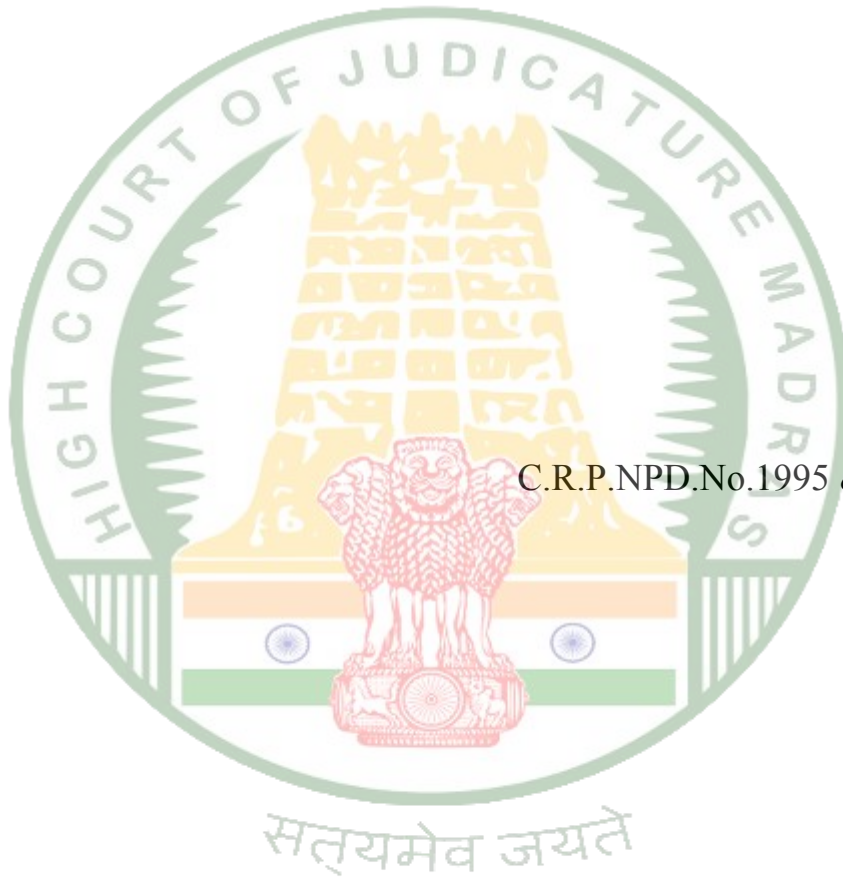
Principal District Munsif,
Cuddalore.



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M.GOVINDARAJ,J.

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C.R.P.NPD.No.1995 & 1996 OF 2017

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