

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P.No.7111 of 2018 inCRP (NPD).No.SR27920 of 2018

1. E.Kuppan

2. R.Azhagiri

... Petitioners

Vs.

1. Malligammal

2. The Commissioner

Thiruvallur Municipality, Thiruvallur.

... Respondents

**Prayer in C.M.P.No.7111 of 2018:** Civil Miscellaneous Petition is filed under Section 151 of CPC to grant leave to the petitioners to challenge the order dated 30.11.2017 made in E.A.SR4261 of 2012 in E.P.No.32 of 2008 on the file of the District Munsif Court, Thiruvallur.

**Prayer in CRP(NPD) No.SR27920 of 2018:** Civil Revision Petition sought to be filed under Article 227 of the Constitution of India against the common order dated 30.11.2017 in E.A.SR.4261 of 2012 in E.P.No.32 of 2008 in O.S.No.423 of 1996, on the file of the learned District Munsif Court, Thiruvallur.

For Petitioners : Mr.V.Raghavachari

**ORDER**

The Civil Miscellaneous petition is filed seeking leave of this Court to challenge the order dated 30.11.2017 made in E.A.SR No.4261 of 2012 in E.P.No.32 of 2008, on the file of the District Munsif Court, Thiruvallur.

2 The learned counsel for the petitioners would submit that they are the residents of the locality, in which, suit property in O.S.423 of 1996, is situated, and the suit came to be decreed in favour of first respondent. In the

said suit the second respondent namely the Commissioner, Tiruvallur Municipality, who dug the well for the use of public is the defendant.

3 The first respondent filed an execution petition is E.P.No.32 of 2008 in which second respondent/Tiruvallur Municipality filed an execution application in E.A.SR No.4261 of 2012 in E.P.No.32 of 2008 and the same was dismissed by an order dated 30.11.2017, even without numbering the application. Thereafter, the second respondent Municipality has not taken any steps. Hence the petitioners have come forward with the present civil miscellaneous petition seeking leave of this Court to challenge the above said order dated 30.11.2017.

4 This court perused the judgment and decree dated 16.02.2007 in O.S.No.423 of 1996, passed by the District Munsiff, Thiruvallur and the common order dated 30.11.2017 made in E.A.SR NO.4261 of 2012 in E.P.No.32 of 2008.

5 On a perusal of the records, it reveal that the petitioners are either party to the suit or to the above E.A.SR No.421 of 2012 in E.P.No.32 of 2008 and hence they have no locus standi to challenge the order passed in the Execution Application.

6 The petitioners have filed the present petition seeking leave of this Court to challenge the order dated 30.11.2017 made in E.A.SR NO.4261 of 2012 in E.P.No.32 of 2008, which is not maintainable in the eye of law.

7 In the result, the civil miscellaneous petition is dismissed as not maintainable. In view of the order made in this C.M.P.No.7111 of 2018, the civil revision petition in CRP.No.SR27920 of 2018 is hereby rejected at SR stage itself. No costs.

11.04.2018

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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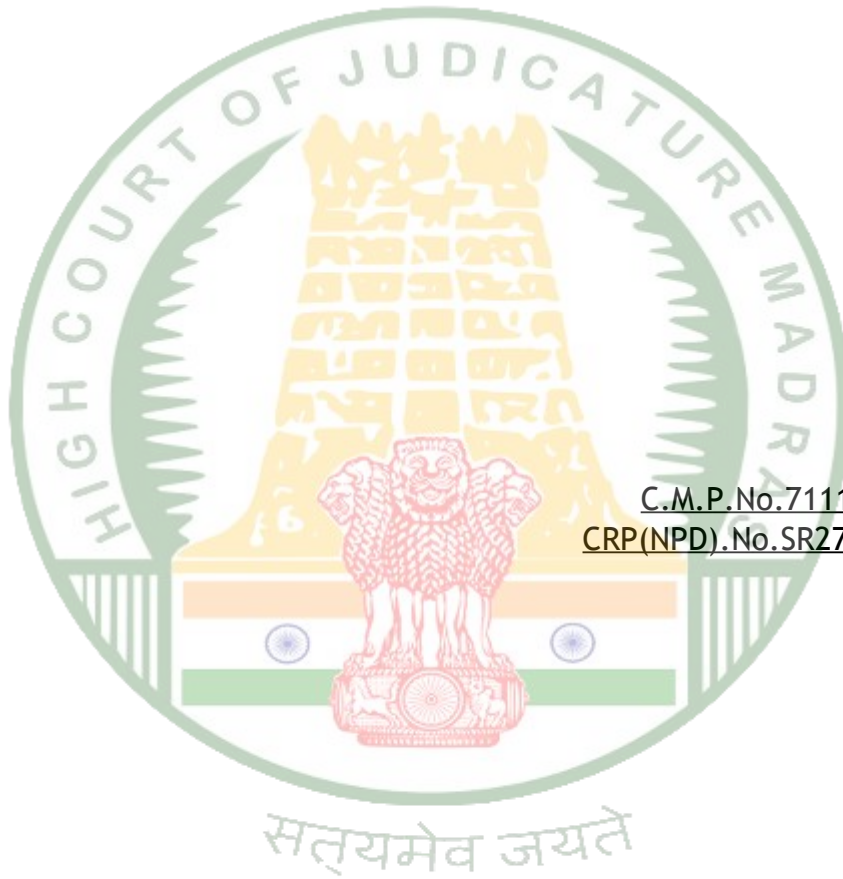
To

The District Munsif Court, Thiruvallur.

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P.VELMURUGAN, J.,

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C.M.P.No.7111 of 2018 in  
CRP(NPD).No.SR27920 of 2018

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