

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 3717 of 2018

1.Mahalakshmi

2.Napolian

3.Bharani

4.Divya

...Petitioners

Saraswathy Ammal

...Respondent

Vs

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the Order dated 16.12.2017 passed in un-numbered E.A.No of 2017 in E.P.No.217 of 2000 in O.S.No.202 of 1982 passed by the Principal District Munsif Court, Cuddalore.

For Petitioner : M/s.R.Meenal

M.S.RAMESH.,J

hvk

ORDER

Admittedly, the petitioners are not parties to the suit, against which the Execution Petition has been filed. When the third party seeks to file an application under Section 47 of the Civil Procedure Code, the Court below is not required to entertain the same, in view of Section 47 of Civil Procedure Code which empowers only the parties to the suit or their representatives alone to raise any objections. As such, the Court below was correct in rejecting the petitioners application under section 47 of the Civil Procedure Code.

2. I do not find any infirmity in the Order passed by the trial Court.

Hence, the Civil Revision Petition stands dismissed. No costs.

04.12.2018

WEB COPY

Index:Yes/No

Speaking order: Yes/No

hvk

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