



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD).No.1183 of 2018

Pechiammal

... Revision petitioner/Petitioner/
Objector

Vs.

1. S.Nagalingam
2. S.Paramasivam
3. K.Perumal

... Respondents/Petitioners
... 3rd Respondent/1st Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision petition by setting aside the fair and decreetal order dated 01.03.2018 in E.P.No.31 of 2012 in O.S.No.88 of 2008 on the file of the District Munsif, Periyakulam.

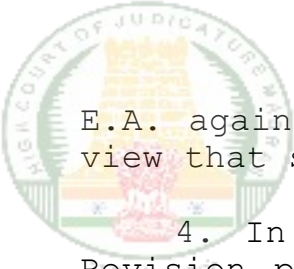
For Petitioner	: M/s.C.Masilamani
For R-1 & R-2	: Mr.G.Ramanathan
For R-3	: No appearance.

O R D E R

Respondents 1 and 2 herein filed O.S.No.88 of 2008 before the District Munsif Court, Periyakulam, against the third respondent herein, seeking declaratory relief as well as mandatory injunction. The suit was decreed. The first appeal as well as the second appeal filed by the third respondent herein were dismissed. The plaintiffs filed E.P.No.31 of 2012 for enforcing the decree. In the said E.P. the sister of the third respondent, namely, the Revision petitioner herein filed E.A. under Section 47 of C.P.C. The Court below declined to number the same. Challenging the stand of the Court below, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. It is seen that the Revision petitioner herein filed a petition under Section 47 of C.P.C. Such an application will lie only to decide the questions arising between the parties in the suit or their representatives. In this case, the Revision petitioner is not making any claim through the third respondent. Therefore, the petition filed by the petitioner under Section 47 of C.P.C. is clearly not maintainable. Though the Court below has dismissed the



E.A. against the Revision petitioner on other grounds, I am of the view that such an application is not maintainable.

4. In this view of the matter, no relief can be made to the Revision petitioner. The Civil Revision petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Munsif,
Periyakulam.

- 1 CC TO Mr.G.RAMANATHAN , ADVOCATE IN SR No.89365.
- 1 CC TO Mr.C.MASILAMANI , ADVOCATE IN SR No.89458.
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- PMU
- DS SV SAR2 02 11 2018 2P 4C

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