



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2018**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.593 of 2017

and

C.M.P. (MD) .No.2632 of 2017

V.P.Karthikeyan (died)

1.V.P.Jasmine

2.P.Malathi

... Revision Petitioners

Vs

1.Andipatti Nadar Uravin Murai
represented by its President
R.Nagarajan

2.V.Balagurusamy

3.A.Selvaraj

M.V.Gnanagurusamy (died)

V.G.Selvaganesh (died)

4.V.G.Uma Maheswari

5.M.V.Singarajan

6.M.V.Paramasivam

7.N.Tamilselvi

8.G.Nagajothi

9.G.Saravanan

10.J.Aarthi

11.G.Karthi

12.S.Chithra

13.Minor.S.Velvizhi

14.S.Megana

... Respondents

PRAYER: Petition filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order dated 29.04.2016 in E.A.No.43 of 2015 in E.P.No.54 of 2015 in O.S.No.405 of 1994 on the file of the Sub Court, Theni.

For Petitioners: Mr.B.Rajesh Saravanan

For R1 to R3 : Mr.Hemakarthikeyan

For R4 to R14 : Given up

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
The revision petitioners filed E.A.No.43 of 2015 under Section 47 of CPC in E.P.No.54 of 2015 filed by the respondents herein. The suit was one for specific performance. The suit was



decreed. It was put to execution. In the said execution petition, the revision petitioners filed their claim petition. The Court below noted that the revision petitioners herein are not parties to the suit, nor have they filed the said application in the capacity of representatives of the parties to the suit. Therefore, the Court below held that the petition filed by them under Section 47 of CPC is not maintainable.

2.This Court is of the view that the order passed by the Court below is perfectly justified and does not call for any interference. No merit in this Civil Revision Petition.

3.Ofcourse, the dismissal of this Civil Revision Petition will not come in the way of the revision petitioners from establishing their rights in the manner known to law in O.S.No.208 of 2015 instituted by them before the Subordinate Court, Theni.

4.With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

The Subordinate Judge,
Theni.

+ 1 CC TO MR.B.RAJESH SARAVANAN , ADVOCATE IN SR NO.88736
+ 1 CC TO MR.HEMAKARTHIKEYAN, ADVOCATE IN SR NO.88590

PNN

BU/RP/SAR-1 :01.11.2018 : 2P/4C

ORDER MADE IN
C.R.P. (NPD) (MD) .No.593 of 2017
and
C.M.P. (MD) .No.2632 of 2017
04.10.2018