

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

CORAM:

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P. (NPD) No.509 of 2004 and
C.M.P.No.4384 of 2004

1.S.Muthukrishnan
2.S.Munusamy
3.K.Gurumurthy

... Petitioners /
Respondents 9 to 11

v.

1.T.R.Radhakrishnan
2.T.R.Lakshminarayanan
3.G.Amirthavalli
4.G.Vairavelu
5.G.Indiran
5.T.R.Natarajan
7.Chandirabai
8.Sooriyakumari
9.Meerabai
10.Subramanian
11.Dhanapal
12.Rajammal

... Respondents/
Petitioners 1,3 to 5,
R1, 3 to 8 /
Plaintiff 1, 3 to 5/
D1, 3 to 8

(RR 6 to 12 are not necessary parties
for the above CRP & hence they are given up)

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 15.07.2003 in E.P.No.213 of 2001 in O.S.No.53 of 1987 on the file of the Court of Additional Subordinate Judge (in-charge) Mayiladuthurai.

For Petitioner : Mr.S.Viswanathan

For Respondents : R1 to R5 - Not Ready in Notice
R6 to R12 - Given up

O R D E R

Challenging the order passed in E.P.No.213 of 2001 in O.S.No.53 of 1987 on the file of Additional Subordinate Court, Mayiladuthurai, respondents 9 to 11 in the Execution Petition, have filed the above Civil Revision Petition.

2. The respondents 1 to 5 have filed a suit in O.S.No.53 of 1987 for partition and separate possession. A preliminary decree was passed on 28.02.1989. Pursuant to which, the plaintiff filed a final decree application and final decree was also passed on 31.10.1990. Thereafter, the plaintiff filed an Execution Petition in E.P.No.13 of 1997 for taking possession of the property pursuant to the final decree dated 31.10.1990. However, the respondents 9 to 11 in the Execution Petition, who are the revision petitioners herein were put in possession of the property by the 1st defendant. Hence, the plaintiff filed the present Execution Petition in E.P.No.213 of 2001 for taking possession of the property from the hands of the Revision Petitioners.

3. The decree passed against the 1st defendant-6th respondent is binding on the Revision Petitioners, who were put in possession of the property by him, the 1st defendant-6th respondent. That apart, though the petitioners claimed that the 1st defendant had sold the property to them, admittedly, no sale deed has been executed in their favour. In the absence of any sale deed executed in their favour, the petitioners' claim in respect of the property was rightly rejected by the Execution Court.

4. In these circumstances, I do not find any error or irregularity in the order passed by the Execution Court, Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

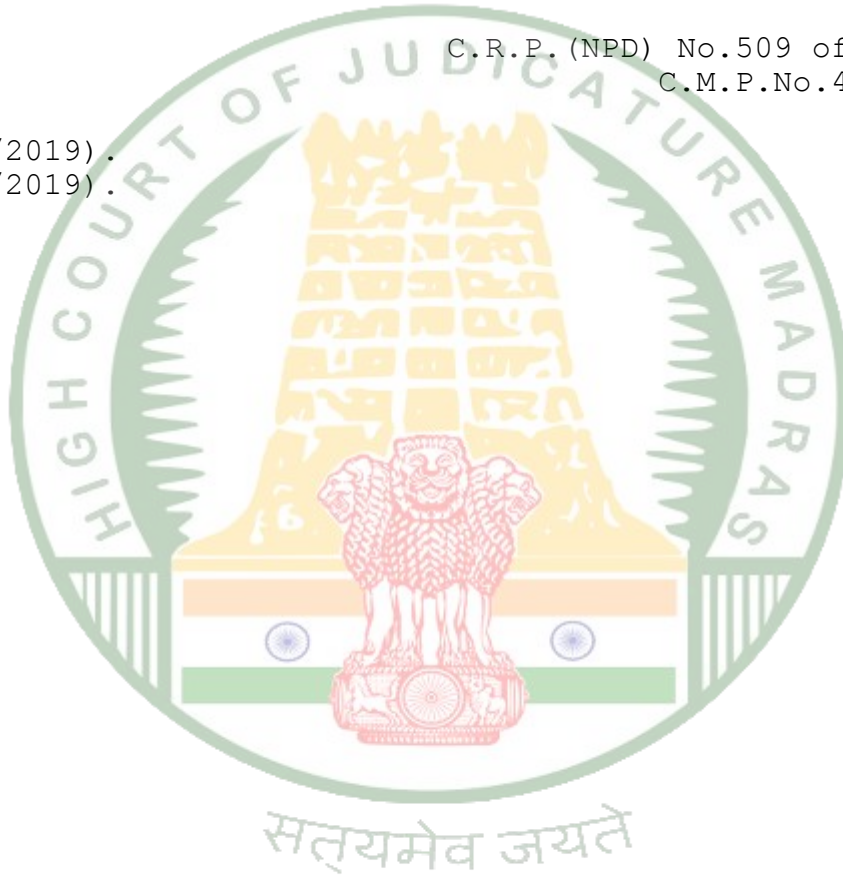
The Additional Subordinate Judge (in-charge)
Mayiladuthurai.

copy to: The Section Officer,
VR Section,
High Court, Madras.

+1 cc to Mr.S.Viswanathan, Advocate, S.R.No.21170

C.R.P. (NPD) No.509 of 2004 and
C.M.P.No.4384 of 2004

RV(CO)
SSM(12/04/2019).
SSM(07/05/2019).



WEB COPY