

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(N.P.D) No. 1466 of 2021
and
C.M.P.No.11430 of 2021

1.Santhi
2.Radhakrishnan
3.Sasikala
4.Sathish

...Petitioners

Vs.

1.Palanivelu
Govindammal (died)
Lourdusamy (died)
2.Franceison
3.Chinnathambie
Vincent (died)
4.Raj @ Pushparaj
5.Yesu @ Pugazhendhi
6.Sankar @ Antonisamy Sankar
7.Arul Prakasa Marie (Minor)
8.Amalorpava Marie (Minor)
9.Sekar (Minor)
7 to 9 are minors represented by
Guardian & mother 2nd respondent
10.Kanagavalli
11.Dourekannou
12.Elizabeth Marie
13.Josephine (Minor)
14.Stephen Arokiaraj (Minor)
Respondents 13 and 14 are minors

Represented by guardian & mother 12th respondent
(Respondents 2 to 14 are not contesting in Trial Court
and they are given up as notice is not required) ...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside pertaining to the fair and decreetal order dated 23.03.2021 passed by the learned Additional Sub Judge at Puducherry in unnumbered E.A. filed in E.P.No.181 of 1998 in O.S.No.154 of 1985 and set aside the same.

For Petitioners : Mr.R.Sreedhar
For Respondents : Mr.T.R.Rajaraman & Mr.V.V.Sairam for R1
(R2 to R14 given up)

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 23.03.2021 passed by the learned Additional Sub Judge at Puducherry in unnumbered E.A. filed in E.P.No.181 of 1998 in O.S.No.154 of 1985.

2.Heard the learned counsel appearing for the parties at length.

3.The only grievance of the learned counsel for the petitioner is that the unnumbered Petitioner filed in E.A.No./2021 in E.P.No.181 of 1998 under

Section 47 and Order 21 Rule 17 r/w Section 151 of C.P.C., had been rejected without numbering the petition.

4.It appears from the submissions of the parties that there is some serious dispute with regard to identification of the property.

5.This Court is of the considered view that this directly affects the execution and discharge and satisfaction of decree. Therefore, this Court is of the view that the said petition ought to have been numbered and the respondent shall be given an opportunity to file counter affidavit and the petition shall be disposed of on merits and in accordance with law, after giving necessary opportunities to both the parties, for filing their oral and documentary evidences.

6.In this view of the mater, this Court does not want to take up this matter for disposal on merits. This Court directs that the the Petition filed under Section 47 has to be disposed of, after taking it on file and after giving necessary opportunity to both the parties.

7.In this view of the matter, order dated 23.03.2021, in unnumbered

E.A.No./2021 in E.P.No.181 of 1998, passed by the learned Additional Sub Judge, Puducherry, is set aside. The learned Additional Sub Judge, Puducherry, is directed to number the application filed by the petitioners under Section 47 of C.P.C., and issue notice to other side and dispose it on merits and in accordance with law. Considering the fact that the matter is pending from the year 1998, the learned Additional Sub Judge, Puducherry, is directed to dispose the matter within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

ep/sai

05.10.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

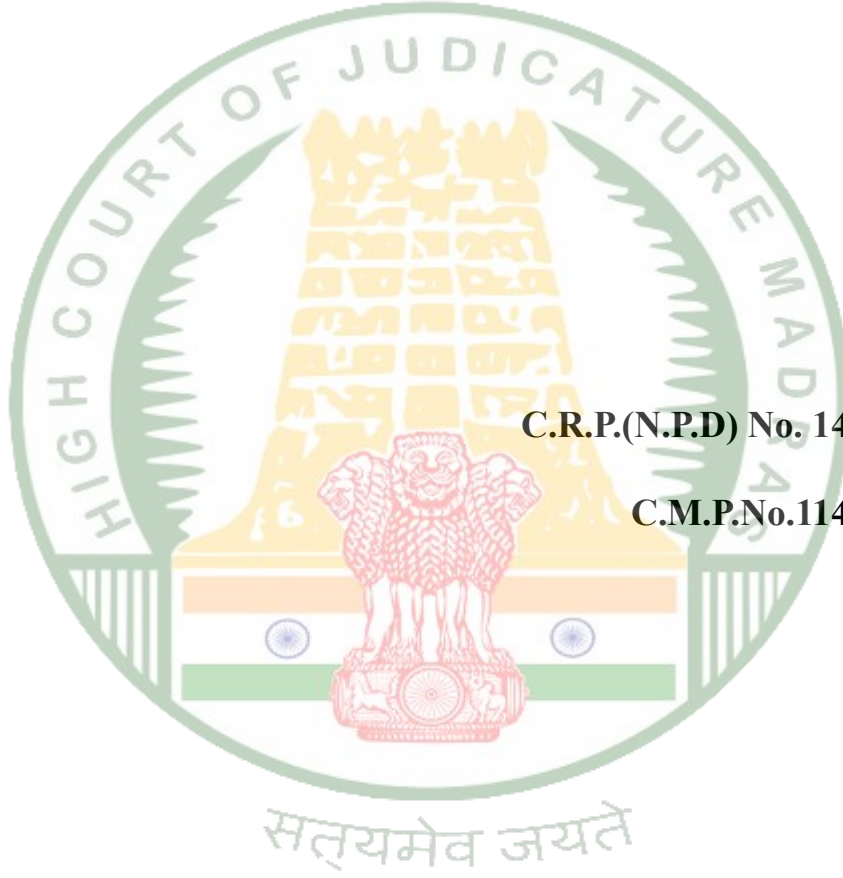
To

1. The learned Additional Sub Judge,
Puducherry.
2. The Section Officer,
VR Section,
High Court of Madras.

C.R.P.(N.P.D).No.1466 of 2021

G.CHANDRASEKHARAN.J,

ep



**C.R.P.(N.P.D) No. 1466 of 2021
and
C.M.P.No.11430 of 2021**

WEB COPY

05.10.2021