



C.R.P.(NPD).No.2829 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2829 of 2021

and

C.M.P.No.20514 of 2021

1.Thangamani

2.Parameswari

3.Shanthi

.. Petitioners

Vs.

Rajkumar

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order passed in E.A.No.7 of 2018 in E.P.No.4 of 2015 in O.S.No.105 of 2011 dated 13.09.2021 on the file of Additional District Judge, (FTC), Villupuram, by allowing the Civil Revision Petition.

For Petitioner : Mr.J.Sudhakaran



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ORDER

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2. The trial Court has dismissed it on the ground that it is not maintainable. A perusal of the affidavit filed in support of the application under Section 47 of the Code of Civil Procedure shows that no ground which could be raised under Section 47 of the Code of Civil Procedure viz., dispute relating to the execution, discharge or satisfaction of the decree has been raised. All that is stated is that the respondent/ decree holder has obtained a decree by defrauding the Court.

3. It is seen from the records that the decree has been confirmed by the Hon'ble Supreme Court. Such a claim cannot be raised in an application under Section 47 of the Code of Civil Procedure. The Hon'ble Supreme Court has in *Dhurandhar Prasad Singh Vs. Jaiprakash University and others* reported in *2001 (6) SCC 534* held that the scope of Section 47 lies within a microscopic hole and it is very restricted.



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4. The learned counsel appearing for the petitioner would further contend that the decree holder has not paid the balance of consideration within the time stipulated.

5. I do not find that such a contention was raised before the executing Court. I do not propose to allow him to raise such a contention in this Revision. The Revision therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

14.12.2021

dsa

Index : No

Internet : Yes

Speaking order

To

The Additional District Judge, (FTC), Villupuram,

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R.SUBRAMANIAN, J.

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