



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (NPD) No.1911 of 2022
and C.M.P. No.9730 of 2022

Dhanasegar ... Petitioner /
Third Party Objector
versus

1.V.Venkatachalam
2.V.Sadasivam
3.V.Subramanian
4.V.Balayya ... Respondents /
Decree Holders

5.L.Kannan ... Respondent /
Judgment Debtor

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside order dated 26.04.2022 passed in unnumbered E.A. in SR.No.3441 of 2022 in E.P.No.15 of 2012 in O.S.No.356 of 1989 on the file of the learned II Additional District Munsif (FAC), Puducherry.

For Petitioner : Mr.R.Sreedhar
For Respondents : M/s.G.Sumitra
Caveator for R3



ORDER

This Civil Revision Petition has been preferred challenging the order of the learned II Additional District Munsif (FAC), Puducherry made in unnumbered E.A. in SR.No.3441 of 2022 in E.P.No.15 of 2012 in O.S.No.356 of 1989.

2. The revision petitioner is a third party objector, who has filed the petition under Order XXI Rule 97 of C.P.C. The execution proceedings were initiated in pursuance of the decree obtained by the respondents 1 to 4 in the suit filed by them in O.S.No.356 of 1989 against the 5th respondent / judgment debtor.

3. The one and only contention of the learned counsel for the petitioner is that, the revision petitioner being the objector has got a right to file the obstruction petition. The learned Executing Judge ought to have taken it on file and then dispose the same after hearing both parties, but he has rejected the petition without taking it on file.



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4. Despite the learned Executing Judge has passed a detailed order based on the merits of the petition, it would have been a complete one if the petition is taken on file and the obstructor and decree holders are allowed to make their respective submissions. Since this Civil Revision Petition is filed due to the limited purpose of getting the Obstruction Petition to be numbered and then get a disposal on merits, it deserves to be allowed.

5. In the result, this Civil Revision Petition is allowed and the order dated 26.04.2022 passed by the learned II Additional District Munsif (FAC), Puducherry in unnumbered E.A. in SR.No.3441 of 2022 in E.P.No.15 of 2012 in O.S.No.356 of 1989, is hereby set aside. The learned II Additional District Munsif (FAC), Puducherry is directed to take the Obstruction Petition on file and dispose of the same by giving notice to the decree holders alone and by avoiding the delay in sending unnecessary notice to the judgment debtor and further directed to dispose of the Obstruction Petition within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.



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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

The II Additional District Munsif (FAC),
Puducherry.



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R.N.MANJULA, J.

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