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CRP.No.3252 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3252 of 2022

and

CMP.No.17260 of 2022

Veeramuthu

... Petitioner

Vs.

1.R.Mathivanan

Palaniyammal (Died)

Sengan @ Mottaya Padayachi (Died)

2.Kasi Padayachi

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of CPC, to allow the Civil Revision Petition and set aside the order dated 25.04.2022 made in R.E.A.No.4 of 2021 in R.E.A.No.81 of 1996 in R.E.P.No.71 of 1994 in O.S.No.331 of 1987 on the file of the Principal District Munsif, Attur.

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For Petitioner : Mr.D.Baskar

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner under Order 1 Rule 10 of CPC seeking his impleadment in E.A.No.71 of 1994 in O.S.No.331 of 1987.

2. One Palaniyammal filed a suit in O.S.No.331 of 1987 against the father of the revision petitioner namely Sengam @ Mottaya Padayachi for maintenance and the said suit was decreed on 22.07.1988. When the decree for maintenance was put to execution, the subject property in E.P.No.71 of 1994 was sold in auction sale and the first respondent herein had purchased the same in Court Auction. Thereafter, he filed E.P.No.71 of 1994 for delivery of property purchased in Court Auction sale.



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3. The revision petitioner filed a petition for his impleadment in the said execution petition by asserting his independent title. The Court below dismissed the petition on the ground that the revision petitioner already filed a petition under Section 47 of CPC in REA.No.67 of 1996 and the same is pending for arguments. When the petitioner already filed R.E.A.No.67 of 1996 in the very same execution petition, challenging the executability of the decree, it is not open to him to seek impleadment in the main execution petition. Therefore, I do not find any illegality or irregularity in the order passed by the Court below.

4. The learned counsel for the petitioner made a request that the Court below may be directed to dispose of the E.A.No.67 of 1996 in an expeditious manner. Therefore, the Court below is directed to dispose of the E.A.No.67 of 1996 within a period of 8 weeks from the



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date of receipt of a copy of this order.

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S.SOUNTHAR, J.

dna

5. Accordingly, this Civil Revision Petition is dismissed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

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To

The Principal District Munsif, Attur.

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