



C.R.P. (NPD) .No.2915 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2915 of 2021

and

C.M.P.No.20952 of 2021

Manoranjitham

.. Petitioner

Vs.

1.M/s.Universal Fertilizer Corporation,
A Registered Partnership Firm Rep by its
Managing Partner
P.Vijay Nataraj S/o.Periyasamy Gounder,
418 A, Suramangalam Main Road,
Pallipatty, Salem – 9.

2.Vimaladevi

3.Kavitha

4.Rajkumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 03.09.2021 in REA.No.53 of 2012 in REP.No.581 of 2011 in RCOP.No.41 of 2001 on the file of IV Additional District Munsif Court, Salem and allow the above Civil Revision Petition.

For Petitioner : Mr.R.Nalliyappan

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ORDER

WEB COPY This Revision is filed by one of the legal representatives of the judgment debtor who died after the order of eviction had become final.

2. The decree holder/ landlord sought to execute the decree for eviction in RCOP.No.581 of 2011. The petitioner, who is the wife of the deceased judgment debtor, had filed the application under Section 47 of the Code of Civil Procedure seeking a prayer that the respondent is not entitled to excess execution than the property leased to the petitioner under the rent deed dated 26.04.1979.

3. The executing Court rightly rejected the application stating that the prayer sought for does not come within the scope of Section 47 of the Code of Civil Procedure viz., issue relating to execution, discharge and satisfaction of the decree. The Hon'ble Supreme Court has held that the grounds of challenge in execution under Section 47 of the Code of Civil Procedure lie in a microscopic hole and does not enable the judgment debtor to resist execution on all grounds.

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4. The learned trial Judge has examined the scope of Section 47 of the Code of Civil Procedure exhaustively and had concluded that the prayer sought for will not come within the Section 47 of the Code of Civil Procedure. I do not see any reason to interfere with the order of the trial Court refusing to entertain the petition under Section 47 of the Code of Civil Procedure.

5. Hence, this Revision fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

10.01.2022

dsa
Index : No
Speaking order

To
The IV Additional District Munsif Court, Salem.

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