



C.R.P(NPD)(MD).No.1740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

C.R.P.(PD)(MD).No.1740 of 2022

and

C.M.P(MD).No.7635 of 2022

1.V.G.Umamaheswari

2.Singarajan

3.Nagajothi

4.G.Muthusaravanan

5.G.Aarthi

6.G.Karthi

7.Chithra

8.Minor. Velvizhi,
D/o.Late Selvaganesan

9.Minor.Mohana,
D/o.Late Selvaganesan
(petitioners 8 and 9 are represented through their Natural
Guardian/mother 7th petitioner)



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10.Malathi

11.Jasmine

... Petitioners

Vs.

1.Andipatti Nadar Uravinmurai,
Andipatti,
Through its President,
Mr.R.Nagarajan

2.Andipatti Nadar Uravinmurai,
Andipatti,
Through its Vice President,
Mr.V.Balagurusamy

3.Andipatti Nadar Uravinmurai,
Andipatti,
Through its Secretary,
A.Selvaraj

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order dated 23.03.2022 in E.A.No.12 of 2022 in E.P.No.54 of 2015 in O.S.No.405 of 1994 on the file of the Sub Judge, Theni.

For Petitioners : Mr.M.P.Senthil
for Mr.P.Rajesh
For Respondents : Mr.K.Hema Karthikeyan



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ORDER

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This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 23.03.2022 in E.A.No.12 of 2022 in E.P.No.54 of 2015 in O.S.No.405 of 1994 on the file of the Sub Judge, Theni.

2. One Andipatti Nadar Uravinmurai Sungam bearing Registration Number SI No.51/1994 filed a suit in O.S.No.405 of 1994 on the file of the Sub Court, Periakulam, seeking for the relief of specific performance of the sale agreement, dated 19.01.1994 and the suit was decreed in favour of the Sangam by the judgment and decree, dated 08.03.2000. The said Sangam also filed an execution petition in E.P.No.54 of 2015, before the Sub Court, Theni, for the execution of the decree passed by the Court on 08.03.2000.

3. The petitioners are the legal heirs of the judgment debtors filed the above I.A stating that the petitioners in E.P.No.54 of 2015 are not the original Sangam of Andipatti Nadar Uravinmurai Sungam and therefore, they are not entitled to prosecute the execution petition. In support of



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their contention, they have also marked certain documents, which are obtained through the Right Information Act from the District Registrar Office, Periyakulam. The petitioners have also filed an another application in E.A.No.12 of 2022, to examine the District Registrar for the purpose of ascertaining whether the Sangam filed the suit in O.S.No. 405 of 1994 and the same was dismissed by the trial Court on 23.03.2022. Challenging the same, the present Civil Revision Petition is filed before this Court.

4. The learned counsel of the petitioners submitted that one Andipatti Nadar Uravinmurai Sangum has filed a suit in O.S.No.405 of 1994 on the file of the Sub Court, Periyakulam, and they have also filed the execution petition. The petitioners have collected various documents from the Registrar Office and the same were marked before the Court. However, they can establish their case only by examining the District Registrar, so that, they have filed E.A.No.12 of 2022, to examine the District Registrar, but, the trial Court without considering the same erroneously dismissed the application on 23.01.2022.



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5. The learned counsel for the respondents submitted that both Sangam are one and the same and the decree passed in O.S.No.405 of 1994 is not passed on the basis on the Registration Number. He would further submit that even though decree was granted in their favour in O.S.No.405 of 1994, they are unable to execute the decree.

6. The only grievance of the petitioners is that they are not in a position to get bye-law from the District Registrar Office and through the bye-law of the present Association, they can demonstrate their case before the trial Court and for that purpose, they have filed the above said petition to examine the District Registrar.

7. The respondents are not having any grievance for furnishing the bye-law to the petitioners and they are also ready to produce the true copy of the bye-law.

8. To give a quietus to the issue, this Civil Revision Petition is disposed of, with a direction to the respondents/decreed holders to furnish



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true copy of the bye-law of the Association to the petitioners/judgment debtors within a period of ten days from the date of receipt a copy of this order and the judgment debtors are also entitled to mark the documents before the trial Court. Since the suit was decreed in the year 2000, the execution petition is also filed in the year 2015 and the same is still pending, there shall be a direction to the learned Sub Judge, Theni, to dispose of E.P.No.54 of 2015 within a period of two months from the date of furnishing the true copy of the bye-law to the petitioners. No Costs. Consequently, the connected Miscellaneous Petition is closed.

27.09.2022

Index : Yes/No
Internet : Yes
Speaking/Non-speaking order
tta

To

Sub Court,
Theni.



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B.PUGALENDHI,J

tta

Order made in
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Dated:
27.09.2022