



C.R.P (MD) No.1793 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.09.2022

CORAM:

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

C.R.P (MD) No.1793 of 2022

and

CMP (MD) No.7979 of 2022

Minor.Sahana Sri

... Petitioner

Vs

1.R.Palraj

2.Alagarsamy

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the order of rejection passed in unnumbered E.A. Of 2022 in E.A.No.15 of 2022 in E.P.No.36 of 2018 in O.S.No.37 of 2015 dated 15.07.2021 on the file of the Additional District and Sessions Judge, Periyakulam and direct the execution Court to number the petition filed under Section 47 of the Civil Procedure Code filed by the revision petitioner and to dispose of the said petition on merits.

For Petitioner : Mr.C.Jawahar Ravindran



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ORDER

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This Civil Revision Petition is filed as against the docket order passed by the Additional District and Sessions Judge, Periyakulam in E.A.No. of 2022 in E.A.No.15 of 2022 in E.P.No.36 of 2018 in O.S.No.37 of 2015 dated 15.07.2021 on the file of the Additional District and Sessions Judge, Periyakulam.

2.The petitioner claiming to be a third party to the suit in O.S.No.37 of 2015 has filed an application to dismiss the execution petition filed in E.P.No.36 of 2018 that the suit property is his ancestral property and without his knowledge, agreement has been entered into by his father and the suit was decreed behind his back. The said application was returned with an endorsement that the sale deed has already been executed. Aggrieved over the same, the present civil revision petition is filed.

3.The learned Counsel for the petitioner submits that though sale has been executed the delivery has not been effected so far and till the delivery is effected the



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petitioner is entitled to obstruct the delivery and can also file necessary application under Section 47 of CPC.

4.The Court has rejected the petition on the ground that already sale has been executed. However it appears that the delivery has not been effected. The petitioner being a third party to the suit alleges that he is having the title and the order has been obtained behind his back without arraying him as a party to the proceedings.

5.In order to secure the ends of justice the petitioner must be provided an opportunity and therefore, the impugned docket order is set aside and the trial Court is directed to number the application and proceed in accordance with law.

6.The Civil Revision petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition stands closed.

07.09.2022

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To

The Additional District and Sessions Judge,
Periyakulam.



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B.PUGALENDHI, J.

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