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C.R.P.No.742 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.742 of 2023
and
C.M.P.No.5706 of 2023

Suresh

..Petitioner

Vs.

1.Kannaki

2.Rajasekaran

3.Kanagam

4.Dharani

5.Rathinammal

6.Ramesh

..Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., seeking to set aside the fair and decreetal orders dated 12.09.2022 passed in E.A.No.96 of 2019 in E.A.No.115 of 2017 in O.S.No.84 of 1996 on the file of the Principal Sub-Court, Kallakurichi.

For Petitioner : Mr.R.Meenal

For Respondent : Mr.R.Bharath Kumar for R1



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ORDER

This Civil Revision Petition is filed challenging the orders passed in E.P.No.115 of 2017, permitting the 1st respondent, to be impleaded as 2nd petitioner in E.P.No.115 of 2017.

2.It is submitted by the learned counsel appearing for the 1st respondent / decree holder that the 1st respondent by virtue of purchase of the schedule mentioned property as per the registered sale deed dated 03.04.2001 in vide document No.1348 of 2001 has become the owner of the schedule of property thereby, she is entitled to succeed the property from the original decree holder by name, Narayanan, hence, she shall come on record as one of the respondent in EP.

3.The learned counsel for the petitioner/judgment debtor herein has objected for such impleading on the ground that the 1st respondent / decree holder, who has filed an application for impleadment has not filed copy of the death certificate to show that the original decree holder / 1st respondent by name, Narayanan is no more and so that copy of the sale deed through which 1st respondent has become owner is also not enclosed. She has also brought to notice of this Court that in the Trial Court, the Judgment Debtor has filed the counter, denying the sale transaction.



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4.Now the learned counsel appearing for the 1st respondent has submitted that he would file a copy of the sale deed through which the 1st respondent has purchased the property from the original decree holder, Narayanan in the EP proceedings.

5.Considering the same, this Civil Revision Petition is disposed of, directing the 1st respondent to file a copy of the sale deed 03.04.2021 in Document No.1348 of 2001 through which Respondent No.1 has purchased the property before the Executing Court and proceed with the enquiry in the Execution Petition. The Executing Court is directed to dispose of the Execution Petition as expeditiously as possible, not less than three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

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Index :Yes/No
Internet :Yes/No
Neutral Citation :Yes/No
Speaking order/Non-Speaking order



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To:-

The Principal Sub-Court,
Kallakurichi.



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Dr.D.NAGARJUN, J.

KKN

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and
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