



C.R.P. (NPD) .No.1904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.R.P.(NPD).No.1904 of 2023
and
C.M.P.Nos.12104 & 12107 of 2023

1.Subalakshmi

2.Sridevi

.. Petitioners

Vs.

1.Mohandoss

2.Gopalraj

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned endorsement dated 06.06.2023 made in un-numbered E.A., in E.P.No.227 of 2022 in O.S.No.29 of 2020, on the file of the Principal District Court, Cuddalore and direct the learned Principal District Judge, Cuddalore, to take on file the petition filed by the Revision Petitioners under Order XXI Rule 99 of CPC and number the same.

For Petitioners : Mr.Abhinav Parthasarathy



ORDER

This Civil Revision Petition is filed by the petitioners to set aside the impugned endorsement dated 06.06.2023 made in un-numbered E.A., in E.P.No.227 of 2022 in O.S.No.29 of 2020, on the file of the Principal District Court, Cuddalore and direct the learned Principal District Judge, Cuddalore, to take on file the petition filed by the Revision Petitioners under Order XXI Rule 99 of CPC and number the same.

2.Heard the learned counsel for the petitioners.

3.The learned counsel for the petitioners would submit that they are the trustees of National Educational Trust, Ramanatham Village, Tittakudi Taluk. He further submitted that they came to know that the 1st respondent seems to have filed a suit in O.S.No.29 of 2020 against the 2nd respondent for specific performance of an alleged agreement of sale dated 12.10.2017 and obtained exparte decree on 02.07.2020. It is further stated that execution petition is filed for delivery and it is posted on 06.06.2023. This petition appears to have been filed on 06.06.2023 by the third parties under Order XXI Rules 97 to 101 of CPC, praying the Executing Court to adjudicate the petitioners claim and



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pass an order that the National Educational Trust is the absolute owner of the schedule property and dismiss the E.P.No.227 of 2022 filed by the 1st respondent for delivery of the property. The Executing Court has returned the said petition, stating that immovable property is delivered as early as on 02.06.2023.

4.The petitioners are at liberty to represent the petition with explanation and the learned Executing Court is directed either to take it on file if the petition is in order or to pass orders. To this effect, this petition is ordered. As the returned petition is filed herewith, the Registry is directed to return the same.

5.With the above directions, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

23.06.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE: Issue order copy on 26.06.2023.



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R.KALAIMATHI, J.

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To

The learned Principal District Judge,
Principal District Court,
Cuddalore.

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23.06.2023