



WEB COPY

C.R.P.No.4310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4310 of 2022

D.Vijayalakshmi

... Petitioner

Vs.

1.G.Nagammal

2.G.Ragunathan @ Ragu

3.P.Karpagavalli

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 15.07.2022 in unnumbered E.A.No. /2022 in E.P.No.16 of 2004 in R.C.O.P.No.96 of 1983 on the file of the I Additional District Munsif, Coimbatore and set aside the same and further direct the I Additional District Munsif to number the petition and adjudicate the issue of illegal dispossession and demolition of the property, based on merits.

For Petitioner

: Mrs.D.Vijayalakshmi
(Party-in-Person)



ORDER

The Civil Revision Petition has been filed against the Fair and Decretal order dated 15.07.2022 passed in an unnumbered petition in E.A.-- of 2022 in E.P.No.16 of 2004 in RCOP.No.96 of 1983 on the file of the I Additional District Munsif, Coimbatore.

2. The revision petitioner filed execution application in CFR.No.5156/RP dated 07.07.2021 for the purpose of re-opening the execution petition, which was already disposed of. The petition was filed under Order 21 Rule 99 of Civil Procedure Code. As per the execution proceedings in E.P.No.16 of 2004, the subject property was handed over to the decree holder and therefore, the revision petitioner filed an execution application by raising certain objections. The revision petitioner herein earlier filed a petition to implead herself as a party in the execution petition in IA.No.156 of 2006. The said Interlocutory Application to implead the revision petitioner as a party in the execution proceedings was dismissed by the Execution Court. Challenging the said order, Civil Revision Petition in C.R.P.No.4218 of 2018 was filed before the High Court, which was disposed of on 17.09.2010.



3. That apart, yet another civil suit in O.S.No.269 of 2010 was filed for declaration and permanent injunction and for possession. The said suit was also dismissed by the II Additional Sub Court, Coimbatore on 15.11.2021.

4. In view of the above fact, the trial Court formed an opinion that for the same relief, the petitioner has again filed an execution application unnecessarily under Order 21 Rule 99 and the second petition for impleading the revision petitioner as a party in the execution proceedings cannot be entertained and accordingly, dismissed the petition.

5. The revision petitioner in person made a submission that in spite of the interim order of stay granted, her tenant in the subject property was evicted. The revision petitioner claims that she is having right in respect of a portion of the subject property against her own brother and that being the case, she has to approach the Competent Court of law for the purpose of establishing her right through documents and evidences.

6. As far as, the rent control proceedings are concerned, it was



initiated in RCOP No.96 of 1983 and the Judgment Debtor, P.Karpagavalli was already evicted from the premises and therefore, the petitioner cannot maintain any further application in the execution proceedings. The execution proceedings in EP No.16 of 2004 was also disposed of and therefore, the present petition filed in the year 2022 for the purpose of re-opening of the execution proceedings was rightly rejected by the trial Court and therefore, this Court do not find any infirmity in respect of the order passed.

7. With these observations, the Civil Revision Petition stands dismissed. No costs.

03.01.2023

Skr/Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To
The Judge,
I Additional District Munsif,
Coimbatore.



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S.M.SUBRAMANIAM, J.

Skr

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