



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

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**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1649 of 2023

and

C.M.P(MD)No.8187 of 2023

1.R.Neethi Rani

2.R.Varun

3.R.Abinaya

... Petitioners/LR's of T.Rajendran

Vs.

Thalaimuthu Ambalam(Died)

1.T.Thangaraj

2.T.Mohan

3.T.Rajaram

4.D.Mariyammal

5.M.Seethai Ammal

6.T.Ponnuthai

O.B.Kesavan(Died)

O.K.Mahesh(Died)

7.Sathaiyappa Thevar

8.O.M.Umarani

9.Minor Navaithan

... Respondents/Respondents/
Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Executing Court, namely the learned District Munsif, Melur, Madurai District to number the petitioner's petition filed in E.A.No.Unnumbered of 2023 in E.P.No.18 of 2020 in O.S.No.321 of 2004 in order to proceed and dispose the same as per law.



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For Petitioners

:Mr.C.M.Arumugam

ORDER

The Civil Revision Petition is preferred against the pending proceedings in unnumbered E.A in E.P.No.18 of 2020 in O.S.No.321 of 2004 for a direction to number the E.A, which has been returned by the executing Court.

2.The learned counsel appearing for the petitioners would submit that the said E.A was returned by the Executing Court, without proper application of mind to the facts and circumstances of the case.

3.According to the learned counsel appearing for the petitioners, it is submitted that the petitioners filed an application before the Executing Court to implead themselves in the execution proceedings as they are the legal heirs of the late father-in-law viz., Thalaimuthu Ambalam, who was the original plaintiff, who filed the suit for the relief of specific performance in the suit property. Since the petitioners were not aware of the above suit and the appeal suit, they did not take any steps to implead themselves in the said suit. The other legal heirs of the late Thalaimuthu Ambalam, have intentionally omitted to implead the petitioners in the above suit in order to deny their legal rights in the suit property. If the petitioners are not



impleaded in the execution proceedings, it would cause great hardship to the petitioners and their legal rights would be denied.

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4.Considering the facts and circumstances of the case, this Court directs the learned District Munsif, Melur, to number the E.A and dispose the same on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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Note:Registry is directed to return the original documents to the petitioners after substituting the same with Xerox copies.

Note:Issue order copy on 12.07.2023



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K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The District Munsif,
Melur, Madurai District
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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