



C.R.P.(MD)No.2574 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2574 of 2023

P.Ilamurugapandiyan

: Petitioner/3rd Respondent
3rd Defendant

Vs.

1.Bala

: 1st Respondent/Petitioner/Plaintiff

Palaniyandi (died)

: Respondent/1st Defendant

Poonkodi (died)

: Respondent/4th Defendant

2.S.Selvakumaran

3.K.kanthasamy

4.C.Tamilselvan

5.C.Rajamanickam

: Respondents 2 to 5/Respondents/
Defendants

6.P.Kamarajpandiyan

: 6th Respondent/2nd Respondent/
2nd Defendant

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned



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Subordinate Judge, Periakulam, in E.A.No.4 of 2022 in E.P.No.7 of 2014,
dated 28.11.2022.

For Petitioner : Mr.M.Sankar

ORDER

The Civil Revision Petition is directed against the order passed in E.A.No.4 of 2022 in E.P.No.7 of 2014, dated 28.11.2022, on the file of the learned Subordinate Judge, Periakulam, terminating the execution proceedings.

2. It is seen from the records that the decree holder has filed a final decree petition in pursuance of the preliminary decree and that since the petitioner had remained ex-parte, final decree was passed. Since there was no compliance, the decree holder has filed an execution petition in E.P.No.7 of 2014 and after order for allotment, the proceedings were ordered to be terminated.

3. The petitioner, who is the third respondent/third defendant has filed the present application in E.A.No.4 of 2022 to reopen the execution petition alleging that some property were allotted to the decree holder in excess to their share allotted.



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4. The learned Subordinate Judge, considering the objections raised by the other side and also taking note of the fact that the petitioner has not even mentioned the particulars about the additional allotment allegedly made, has rightly dismissed the petition.

5. It is not in dispute that the petitioner has participated in the execution proceedings initially and subsequently, since there was no representation and the petitioner has not turned up for the hearing, the Executing Court has posted the matter for orders and subsequently, orders were passed. Since the Execution proceedings were already terminated, the present application to reopen the same alleging irregular allotment cannot be entertained and as such, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. No costs.

09.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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K.MURALI SHANKAR,J.

das

To

- 1.The Subordinate Judge, Periakulam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2574 of 2023

Dated : 09.10.2023