



C.R.P.(MD)No.2683 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2683 of 2023

and

C.M.P.(MD)No.14000 of 2023

D.Thiyagarajan

... Petitioner

Vs.

1. D.Reeta Bai

2. S.Anuradha

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 05.08.2023 in E.A.No.32 of 2023 in E.A.No.83 of 2007 in E.P.No.53 of 2000 in O.S.No. 154 of 1992 on the file of Principal District Munsif Court, Thanjavur.

For Petitioner : M/s.N.Vinitha
for Mr.S.Ramasundarvijayraj



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ORDER

The Civil Revision Petition is directed against the docket order dated 05.08.2023 in E.A.No.32 of 2023 in E.A.No.83 of 2007 in E.P.No. 53 of 2000 in O.S.No.154 of 1992 on the file of the Principal District Munsif Court, Thanjavur.

2. It is seen from the records that the first respondent/plaintiff has filed a suit in O.S.No.154 of 1992 for recovery of money and the same was decreed on 28.11.1995, that the decree holder has filed an execution petition in E.P.No.53 of 2000 bringing the house site for sale, that the second respondent, who is a third party to the proceedings, has purchased the property in Court auction sale and the same was confirmed on 26.07.2004, that subsequently, the Court auction purchaser has filed an application in E.A.No.83 of 2007 for delivery as per the sale certificate executed in her favour and the same was allowed on 28.06.2011, that meanwhile, the revision petitioner/defendant has filed an application in E.A.No.72 of 2009 for setting aside the Court auction sale and the same was ordered to be dismissed on 28.06.2011, that a revision preferred in



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C.R.P.No.1192 of 2011 was already disposed of, that the Executing Court has ordered delivery on 08.07.2011 and that the revision petitioner/defendant has preferred an appeal in C.M.A.No.9 of 2011 and as per the order passed in C.M.A.No.9 of 2011, the application in E.A.No.72 of 2009 was ordered to be restored and the same is pending and at this juncture, the present application came to be filed under Section 340 Cr.P.C. in E.A.No.32 of 2023 allegedly for making false documents in the Court. The Executing Court, after conducting preliminary enquiry, has passed the impugned docket order that the revision petitioner/defendant has not shown any *prima facie* case to send any complaint to the Jurisdictional Magistrate Court.

3. As rightly observed by the Executing Court, the revision petitioner/defendant has neither averred nor shown any materials so as to attract Section 340 Cr.P.C. enabling the Executing Court to prefer a complaint to the jurisdictional Magistrate Court.

4. The revision petitioner/defendant has not canvassed any valid or acceptable reason or ground to impugn the docket order. Hence, this Court



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concludes that the revision is devoid of merit and the same is liable to be dismissed.

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5. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

18.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal District Munsif Court,
Thanjavur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2683 of 2023
and
C.M.P.(MD)No.14000 of 2023

Dated : 18.10.2023