



C.R.P.No.498 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.498 of 2018
and
C.M.P. No.2591 of 2018

Shanthi W/o. Rajaraman

... Petitioner

vs.

1. Srikanth S/o. Ramakrishna Chettiar
2. Rajaram S/o. Sankaran Pillai
3. T.R. Kumar S/o. Ramakrishnan Chettiar

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the Docker order dated 23.01.2018 in E.A. SR No.116 of 2018 in E.P. No.3 of 2010 in R.C.O.P. No.11 of 2005 dated 15.12.2017 on the file of the District Munsif Court, Tirukoilur.

For Petitioner : Mr. N. Suresh

For Respondents : Mr. K. Ramanraj [for R1]
R2 & R3 – Not ready in notice.

ORDER

The Civil Revision Petition is filed challenging the order of return passed by the executing Court dated 23.01.2018.



C.R.P.No.498 of 2018

2. The petitioner filed an application under Order 21 Rule 97 of C.P.C. claiming that she had purchased the suit property from the mother and sister of the respondents 1 and 3 namely Chakkubai and Kirubarani by Sale Deed dated 30.06.2011. It is the case of the petitioner that she has been in possession and enjoyment of the suit property subsequent to the date of purchase by paying house tax and electricity charges. Since the petitioner claims independent right under mother and sister of the respondents 1 and 3, the application filed by the petitioner under Order 21 Rule 97 of C.P.C. has to be numbered and claim made by the petitioner shall be adjudicated in accordance with law after hearing the respondents. Therefore, the Trial Court is directed to number the application filed by the petitioner under Order 21 Rule 97 of C.P.C. in E.A.SR No.116 of 2018 and dispose of the same in accordance with law.

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

08.03.2024

Index : Yes / No [1/4]
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The District Munsif Court, Tirukoilur.



C.R.P.No.498 of 2018

S.SOUNTHAR, J.

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C.R.P.No.498 of 2018

08.03.2024

[1/4]