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C.M.A.No.1999 of 2017 and C.R.P.No.2340 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**C.M.A.No.1999 of 2017 and C.R.P.No.2340 of 2017
and C.M.P.Nos.10791 and 10984 of 2017**

Prayer in C.M.A.No.1999 of 2017

Muthulakshmi

... Appellant

Vs.

1.Natarajan

2.Nallasamy (Died)

3.Padma Shriranganayaki

4.Senapathy

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Order 43 Rule 1(a) of Civil Procedure Code, against the fair and decreetal order dated 23.11.2016 made in E.A.No.10 of 2011 in E.P.No.64 of 2010 in O.S.No.6 of 2007 on the file of the I Additional District and Sessions Court, Tiruppur.



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C.M.A.No.1999 of 2017 and C.R.P.No.2340 of 2017

For Appellant : Mr.Mukund
for M/s.Sarvabhauman Associates

For Respondents : No appearance for R1
R2-Died (steps taken)
R3 and R4-No representation

Prayer in C.R.P.No.2340 of 2017

Nallasamy (Died)

2.Muthulakshmi

3.Padma Shri Ranganayaki

4.Senapathy ... Petitioners

*(*Petitioners 2 to 4 are brought on record as legal heirs of the deceased sole petitioner vide order dated 04.09.2024 made in C.M.P.Nos.12602, 12605 and 12606 of 2024*)*

Vs.

Natarajan ... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 07.12.2016 made in E.P.No.64 of 2010 in O.S.No.6 of 2007 on the file of I Additional District and Sessions Court, Tiruppur.



C.M.A.No.1999 of 2017 and C.R.P.No.2340 of 2017

For Petitioners : Mr.Mukund
for M/s.Sarvabhauman Associates

For Respondent : No appearance

COMMON JUDGMENT

The original revision petitioner/second respondent in C.M.A.No.1999 of 2017 who is the judgment debtor in O.S.No.6 of 2007, has filed C.R.P.No.2340 of 2017 challenging the order passed in E.P.No.64 of 2010 in O.S.No.6 of 2007 by the I Additional District and Session Court, Tiruppur, whereas, the wife of the original revision petitioner has filed C.M.A.No.1999 of 2017 challenging the order passed in E.A.No.10 of 2011 in E.P.No.64 of 2010 in O.S.No.6 of 2007 by the I Additional District and Sessions Court, Tiruppur, on the ground that 5th item of the suit property belongs to the appellant, however, the Execution Court ordered for attachment of the entire properties, instead of attaching the share of the original revision petitioner alone.

2. The learned Senior Counsel appearing for the revision petitioners and the appellant would submit that one Natarajan, who is the



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first respondent in C.M.A.No.1999 of 2017 and the respondent in C.R.P.No.2340 of 2017, filed a suit for recovery of money in O.S.No.208 of 2005 on the file of the Principal District Court, Erode and it was transferred to the file of the Additional District and Sessions Court, Dharapuram and re-numbered as O.S.No.6 of 2007. The suit was decreed on 29.01.2008 and thereafter, the said Natarajan has filed E.P.No.64 of 2010 before the I Additional District and Session Court, Tiruppur, and it was allowed by the Trial Court on 07.12.2016, by which, the schedule mentioned properties were brought to sale in order to realize the amount, whereas, the original revision petitioner's wife, who is the appellant herein, has also filed E.A.No.10 of 2011 on the ground that 5th item of the suit property belongs to her and it has been wrongly included in the schedule mentioned properties and it was dismissed on the ground that she did not establish her title except producing patta and patta will not confer title to the property. However, the Trial Court, without conducting detailed enquiry on the title of the properties, has mechanically allowed the execution petition filed by Natarajan and dismissed the petition filed by the appellant. Challenging



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both the orders, the Civil Revision Petition and the Civil Miscellaneous Appeal have been filed.

3. Heard the learned counsel appearing for the revision petitioners and the appellant.

4. A perusal of the entire records reveals that the said Natarajan has filed a suit for recovery of money in O.S.No.6 of 2007 on the file of the Additional District and Sessions Court, Dharapuram, and after trial, the suit was decreed on 29.01.2008 and for realizing the amount, the said Natarajan, decree holder, filed E.P.No.64 of 2010 before the I Additional District and Session Court, Tiruppur, in which, though the original revision petitioner has taken a stand before the Trial Court that 5th item of the suit property belongs to his wife/appellant herein, however, no document was produced by him to prove the same. Hence, the execution petition was allowed by the trial Court, which does not require any interference by this Court.



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5. In respect of E.A.No.10 of 2011 filed by the appellant, though the appellant claims that her property was wrongly included in the schedule mentioned properties by the decree holder, in order to prove her title, she has filed only patta. Except patta, no title document was produced before the trial Court. It has been consistently held by this Court and by the Hon'ble Apex Court of India that patta will not confer title to the property and on that basis, the trial Court dismissed the application filed by the appellant which is perfectly in order.

6. Accordingly, the Civil Miscellaneous Appeal and the Civil Revision Petition are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

19.11.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

1.The I Additional District and Sessions Court,
Tiruppur.

2. The Section Officer,
V.R. Section,
High Court, Chennai.



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M.DHANDAPANI, J.

ssb

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