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C.R.P.No.3861 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3861 of 2019

and

C.M.P.No.25484 of 2019

1.Sekar
2.Mrs.Rajathi

... Petitioners

Vs.

1.Radhakrishnan
2.P.Sukumar

...Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, against the fair and decreetal order passed by Additional District Munsif, Court, Mayiladuthurai in E.A.No.60 of 2017 in E.P.No.68 of 2015 in O.S.No.286 of 2009 dated 11.12.2018

For Petitioner : M/s.R.Shiva Kumar
for K.M.Vijayan Associates
for Mr.K.F.Manavalan

For respondents 1 : Died
For respondents 2 : M/s.A.Muthukumar



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court allowing the application filed by the 1st respondent seeking to implead the 2nd respondent.

2. It is the case of the 1st respondent/deed holder that he sold the suit property to the 2nd respondent on 27.04.2010 by way of registered sale deed and hence, the 2nd respondent as successor in interest is entitled to continue execution petition on his behalf. The said application was allowed by the Executing Court on the ground that allowing impleading of successor in interest of the decree will not cause any prejudice to judgment debtors. Aggrieved by the same, the petitioners/judgment debtors are before this Court.

3. The learned counsel for the petitioners vehemently contended that suit property said to have been sold in favour of 2nd respondent even in the year 2010. However, the instant application has been filed belatedly after nine



years. The learned counsel further submitted that 1st respondent failed to produce sale deed before the Court below to prove sale of property in favour of 2nd respondent and hence, the Executing Court ought not to have allowed the application.

4. The learned counsel for the petitioners submitted that he is ready to produce the certified copy of the sale before the Executing Court. The said statement is recorded. Allowing purchaser of the suit property to get himself impleaded in execution petition will not cause any prejudice to the petitioners. Hence, this Court is not inclined to interfere with the order passed by the Executing Court. However, it is clarified that 2nd respondent shall produce certified copy of the sale deed executed by 1st respondent dated 27.04.2010 before the Executing Court. Only on production of certified copy, he is entitled to get himself impleaded and proceed with execution petition. In case, the 2nd respondent failed to produce certified copy of sale deed in his favour, the benefit of impugned order will not enure to him.



C.R.P.No.3861 of 2013

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5. With these clarification, the Civil Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

01.03.2024

Index : Yes / No
Internet : Yes / No
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To

The learned Additional District Munsif Judge, Mayiladuthurai



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S.SOUNTHAR, J.

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