



C.R.P(MD).No.151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.151 of 2023

and

C.M.P.(MD)No.726 of 2023

V.Arumugam

... Petitioner / 3rd Party

Vs

Sri Visalam Chit funds
represented by its Manager,
No.40-A, Salai Road,
Woraiyur, Trichy -3.

... Respondent / Plaintiff

Prayer : Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the order dated 13.12.2022 made in unnumbered E.A.SR.No.2952 of 2022 dated 15.09.2022 in E.PNo.37 of 2019 in O.S.No.730 of 2014 on the file of the District Munsif cum Judicial Magistrate, Srirangam and consequently direct the District Munsif cum Judicial Magistrate, Srirangam to take unnumbered EA.Sr.No.2952 of 2022 dated 15.09.2022 on file.

For Petitioners : Mr.K.Prabhakar

For Respondent : Mr.K.Sudalaiyandi



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ORDER

This Civil Revision Petition is filed to set aside the order dated 13.12.2022 made in unnumbered E.A.SR.No.2952 of 2022 dated 15.09.2022 in E.PNo.37 of 2019 in O.S.No.730 of 2014 on the file of the District Munsif cum Judicial Magistrate, Srirangam and consequently direct the District Munsif cum Judicial Magistrate, Srirangam to take unnumbered EA.Sr.No.2952 of 2022 dated 15.09.2022 on file.

2. E.A.SR.No.2952 of 2022 was filed under Order 21 Rule 97 of C.P.C., by the petitioner herein to implead a party, stating that he is the third party purchaser prior to the suit from the judgment debtor. That was rejected by the Execution Court in the SR stage itself, as not maintainable.

3. Deciding the maintainability of the petition at the SR stage, is not proper. On the sole ground, this Civil Revision Petition is liable to be allowed.



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4. Accordingly, this Civil Revision Petition is allowed. There shall be a direction to the learned District Munsif cum Judicial Magistrate, Srirangam, to restore E.A.SR.No.2952 of 2022 on file. If anything to be decided on the question of maintainability, that shall be decided on the judicial side. The entire process be completed within a period of one month from the date of receipt of a copy of this order, considering the oldness of the suit. No costs. Consequently, connected miscellaneous petition stands closed.

11.11.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

- 1.The District Munsif cum Judicial Magistrate, Srirangam.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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