



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)No.463 of 2017  
and  
C.M.P.(MD)No.2255 of 2017

R.Krsna Murti

... Petitioner

-VS.-

1.K.Sridar Rao  
2.Saroja  
3.P.Natarajan  
4.Siva @ Sivashanmugam  
5.Govindarajan  
6.Vellaithurai  
7.M.Anantharaj  
8.M.Gunasekaran  
9.N.Dharshinee

...Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 16.11.2016 in I.A.No.85 of 2016 in E.P.No.889 of 2004 in O.S.No.2953 of 1996 on the file of the Principal District Munsif Court, Trichy.



For Petitioner :Mr.R.Krsna Murti (Party-in-person)  
For R9 :Mr.S.Vinod Sathya Lazar

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### **ORDER**

The present Civil Revision Petition has been filed as against the order passed by the learned Principal District Munsif, Trichy, in I.A.No.85 of 2016 in E.P.No.889 of 2004 in O.S.No.2953 of 1996, dated 16.11.2016.

2.The petitioner is the plaintiff in the suit in O.S.No.2953 of 1996. The suit was filed for declaration and for injunction. The petitioner, who is a tenant under the 8<sup>th</sup> respondent contended that he was forcefully thrown out of the premises, where he was lawfully staying there as a tenant. After the judgment passed in O.S.No.2953 of 1996, the petitioner had filed an application in E.P.No.889 of 2004, in which an I.A.No.85 of 2016 was filed with a prayer to amend the Execution Petition.

3.The contents in that petition is that the first respondent, by name, K.Sridar Rao has transferred the house property in a *mala fide* intention to the 9<sup>th</sup> respondent on 11.05.2007 by way of a registered sale deed in Doc.No.



2586/2007 on the file of the District Registrar, Trichy. The next contents is that the alienation by the first respondent in favour of the 9<sup>th</sup> respondent was not in accordance with Sections 6(D), 52 and 53 of the Transfer of Property Act.

4.The Executing Court while answering the contentions raised by the petitioner in the Execution Proceedings, had held that there was no attachment order passed against the property described in the Execution Petition and therefore, the present petition is not maintainable. Recording the same, the Executing Court had dismissed the application in I.A.No.85 of 2018 by order, dated 16.11.2016. Challenging the same, the present Civil Revision Petition is filed.

6.The petitioner, who appearing before this Court as party-in-person, had drawn the attention of this Court to the copy of encumbrance certificate, dated 08.09.2015 issued by the Sub Registrar, District Registration Office, Trichy, which was enclosed in the typed set of papers, which refers to S.No.4/2 S.No.4. The petitioner also submitted that without considering the



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encumbrance, as above, the Executing Court had passed the impugned order, which needs interference of this Court and prayed to allow this Civil Revision Petition.

7.The learned Counsel appearing for the 9<sup>th</sup> respondent contended that the 9<sup>th</sup> respondent is the subsequent purchaser and *bona fide* purchaser and that he is not aware of any proceedings in earlier to the purchase and any encumbrance in the property. The learned Counsel appearing for the 9<sup>th</sup> respondent specifically contended that there is no attachment order passed in the above original suit.

8.The learned Counsel for the 9<sup>th</sup> respondent while answering the contention of the party-in-person with regard to attachment made by the I Additional District Court in O.S.No.111 of 2014 in I.A.No.617 of 2014 in E.P.No.617 of 2014, contended that the said attachment was lifted subsequently by the Court's order.



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9. On perusal of the order passed by the trial Court and records, it is seen that the trial Court has specifically recorded in the order in the above petition that no attachment was made in O.S.No.2953 of 1996 and in Execution Petition No.889 of 2004. The factum of the petitioner that he was a lawful tenant under the respondents 1 to 8 was decided by the trial Court in the above suit.

10. In view of the above, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**28.11.2024**

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

To  
The Principal District Munsif, Trichy.



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**N.SENTHILKUMAR, J.**

cmr

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