



C.R.P. (MD) No. 1475 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1475 of 2022

and

C.M.P. (MD) Nos. 10815 and 6133 of 2022

G.Jeyaraj

... Petitioner/

2nd Respondent

-VS-

1.Suruli Bommiah

... 1st Respondent/
Petitioner

2.Balasubramanian

3.Logamani

4.Vasantha

... Respondents 2 - 4/
Respondents 1, 3, 4

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating with the fair and executable order dated 14.06.2022 made in E.P.No.33 of 2010 on the file of the District Munsif, Bodinayakkanur and to set aside the same.

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.K.Guhan for R1

No appearance for R2 to R4



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ORDER

This Civil Revision Petition is filed challenging the order dated 14.06.2022 made in E.P.No.33 of 2010.

2. In the said Execution Petition, the judgment debtors were directed to execute the sale-deed and in default, directing the Court officials to execute the sale-deed. The suit is one for specific performance and it was decreed on 27.03.2010. When the decree has become final, the petitioner, namely G.Jeyaraj being the son of Gurusamy Gounder, has filed the present Civil Revision Petition claiming that the suit property is an ancestral coparcener property and that his father has executed a Will in favour of his son. The said defenses cannot be now taken at the belated stage in the Execution Petition. When the decree has been passed and has become final, the contentions on behalf of the petitioner cannot be countenanced at this stage. Therefore, finding no merits, the Civil Revision Petition shall stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

10.07.2024

NCC : Yes/No



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To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

PKN

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