



C.R.P.No.3611 of 2013

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM :

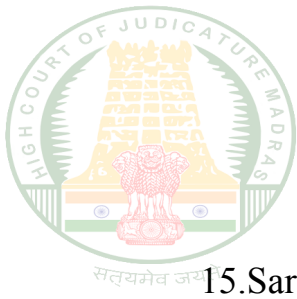
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3611 of 2013 &
MP.No.1 of 2013

1.O.Ameerudeen Maricar
2.O.Mehja Been @ Zohara Ghani
3.O.Shameem @ Ummahanima .. Petitioner

Versus

1.Abdul Latheef
2.Hameed Fathima Kani
3.Abdul Latheef
4.Mohamed Jamaludheen
Akbar Ali (Deceased)
5.Ummahhanima Ammal
Rep. by her Power of Attoney agent,
Abdul Latheef
6.Badurunnisa
7.Mohamed Rajas
8.Mohamed Niyas
9.M.A.S.Abdul Kader Maricar
Hajee O.Oli Mohamed Maricar (Deceased)
S.A.Jubaida Nachiar (Deceased)
10.Velmurugan
Govindasamy (Deceased)
Katheerja Ummal (Deceased)
11.Sundararasu Pillai
12.Bathurunnisa
13.O.Abdul Hameed
14.O.Mohamed Arif



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15.Saraswathi

16.Gunavathy

17.Malar

18.Kalaimani

19.Kalaiahasan

20.Amirtham

21.M.Pradeep

22.Mohamed Rafiq

23.Mohamed Ali Jawahar

24.Ibrahim Kabir

25.Syed Sultan Beevi

26.Kalidass

27.Ganesan

.. Respondent

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 30.04.2013 made in E.A.No.6 of 2012 in unnumbered E.P.No. of 2012 in O.S.No.8 of 1987 on the file of the District Court at Karaikal.

For Petitioners : Mr.Mr.G.Inbaraj
for Mr.R.Thirugnanam

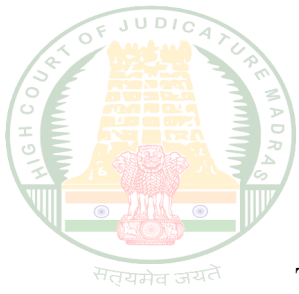
For Respondent 1 : Mr.U.Muhammed
for Mr.N.A.Nissar Ahmed

For Respondents
3, 4, 6, 8, 14,
19 & 25 : No appearance

Respondents 2, 9, 11, 13 & 21 – Died – Steps Due

Respondents 5, 7, 10, 12, 15, 17, 18, 20, 22, 23,
24, 26, 27 - Not Ready in Notice

ORDER



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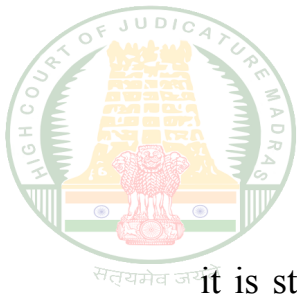
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This civil revision petition arises out of the order and decretal order passed by the learned District Judge at Karaikal, in EA.No.6 of 2012 in unnumbered E.P of 2012 in O.S.No.8 of 1987 dated 30.04.2013.

2. For the sake of convenience, the parties would be referred to as per their ranks in the suit.

3. O.S.No.8 of 1987 is a suit for declaration that the plaintiffs are the absolute owners of the suit property, for recovery of possession of the same, and to pay costs and mense profits. After contest, the suit came to be decreed by the learned Additional District Judge, Pondicherry at Karaikal on 14.06.1988. The papers reveal that an appeal was preferred to this Court in AS.No.301 of 1999. The appeal was dismissed on 15.03.2007.

4. Thereafter, the respondents herein filed the present execution petition to take possession of the properties. Along with the execution petition, the second decree holder took out EA.No.6 of 2012. This was an application seeking to permit him to represent the seventh decree holder as his power agent. The specific plea in the affidavit is that a general power of attorney executed on 20.05.2011, before a notary public at Karaikal and that



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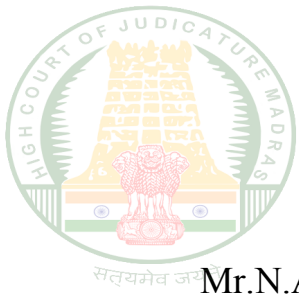
it is still in force. Together with the affidavit, the second petitioner/deed holder also filed the original deed of power of attorney.

5. The learned Judge, instead of allowing the application, after perusal of the power of attorney and affidavit, issued notice to the judgment debtors. It is this procedure that had been adopted by the learned Judge, which had resulted in the revision.

6. The judgment debtors filed a counter stating that the seventh decree holder had already appointed the fifth decree holder as her agent, and therefore, the court should not allow the application. In addition, they also pleaded that they have presented a review application to review the judgment and decree of this Court in AS.No.301 of 1990 and therefore, the execution petition is premature.

7. The learned Trial Judge, after perusal of the affidavit and counter, and after hearing the argument of the parties, allowed the application. Hence, this revision.

8. Mr.G.Inbaraj representing Mr.R.Thirugnanam states that they have returned the papers to the judgment debtors. There is no representation on behalf of the petitioners 2 and 3. I heard Mr.U.Muhammad representing



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Mr.N.A.Nissar Ahmad for the first respondent. I have gone through the records.

9. An application under Order III Rule 2 of the Code of Civil Procedure seeks permission of the Court for one person to represent another party. In this case, one decree holder has filed an application stating that another decree holder has permitted him to prosecute the petition on his behalf. In fact, the execution petition can be presented by one decree holder, if he takes possession for and on behalf of the other decree holders also. Be that as it may, in order to avoid any procedural issues, the second decree holder seems to have taken power of attorney of the seventh decree holder.

10. As to how and whom one decree holder want to prosecute the execution petition, is not within the dictates of the judgment debtors. Neither party can dictate as to who his/her adversary should appoint as an agent, nor does the court have a say as regards the contract of agency that has been entered into between the principal and agent. The decree holder has produced the power of attorney, and the court, if it is satisfied with the genuineness of the document, ought to have allowed the application at that stage itself. Such an application to prosecute the petition through power of



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attorney is an essential matter between the court and a party. The respondents do not have any say.

11. In the light of the above discussion, I do not find any error in the order passed by the learned Additional District Judge, Pondicherry at Karaikal in allowing the application permitting the 2nd decree holder to represent the 7th decree holder as agent. The attention of the learned District Judge is drawn to the order passed by the Supreme Court in ***Periyammal (Dead) through Lrs. v. V.Rajamani in Civil Appeal Nos. 3640 & 3642 of 2025 dated 06.03.2025*** and to the circular issued by this Court in ROC.No.2792(A)/2025/F1 in PDS No.51 of 2025 dated 23.04.2025. The learned District Judge shall strictly comply with the order of the Supreme Court and the circular of this Court and ensure that the execution petition is completed within the time limit permitted by the Supreme Court.

12. With the above directions, this Civil Revision Petition is dismissed. No cost. Consequently, the connected miscellaneous petition is closed.

23.06.2025

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

The District Court, Karaikal



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V.LAKSHMINARAYANAN, J.

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