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CRP NPD.No.2052 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.2052 of 2025 & CMP.No.11953 of 2025

A.Ghouse Khan [died]

1. Dr.Amritha Sulthana

2. Begamjan

. . . Petitioners

Versus

1. A.Seetharaman

2. M/s.Meolc Meat & Margrel [AL.DIARY],

Rep. by Dr.A.Ghouse Khan,

HIG-138, Avalapalli Adco, Munidevi Nagar,

Hosur Post & Taluk, Krishnagiri District.

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the decree and judgement dated 15.12.2010 made in O.S.No.42 of 2010 on the file of the Principal District Judge, Krishnagiri.

For petitioners : Ms.K.Vijayalakshmi

for M/s.Dass and Viswa Associates



CRP NPD.No.2052 of 2025

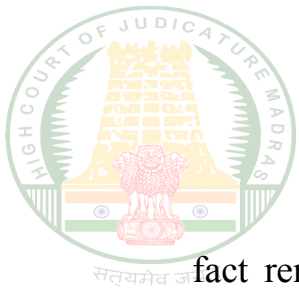
ORDER

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Challenging the judgement and decree dated 15.12.2010 passed in the suit in O.S.No.42 of 2010 on the file of the Principal District Judge, Krishnagiri, the present Civil Revision Petition has been filed.

2. The suit has been originally filed as against the father of the petitioner for recovery of a sum of Rs.24 lakhs based on the sale agreement dated 05.03.2007 entered between the parties. In the suit, an exparte decree has been passed against the father of the petitioner. Based on the decree, it appears that the execution proceedings has also also been filed. After the death of the judgment debtor, the revision petitioners have been impleaded as parties in the Execution Proceedings in E.P.No.184 of 2019. The present Civil Revision Petition has been filed stating that no reasons have been found in the judgment. Therefore, the judgment has to be set aside.

3. I have perused entire materials. No doubt every judgment, even the exparte judgment, should contain reasons as per Order XX Rule 5. But the



CRP NPD.No.2052 of 2025

WEB COPY

fact remains that the judgement has been passed on 15.12.2010. After the death of the judgement debtor, the revision petitioners have been impleaded in the execution petition. Now, it appears that substantial amount of Rs.20 lakhs has also been paid by the petitioners towards satisfaction of the decree amount in pending execution petition. When the decree itself has been acted upon substantially, merely on the ground that reasons have not been found in the judgement, the judgement cannot be assailed after a period of 15 years. Hence, I do not find any merits in this revision.

4. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

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To,

The Prinipal Disrict Judge, Krishnagiri.

Page 3 / 4



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CRP NPD.No.2052 of 2025

N. SATHISH KUMAR, J.

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CRP NPD No.2052 of 2025

03.06.2025