



C.R.P.No.2097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**DATED : 30.06.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**C.R.P.No.2097 of 2025**

**and**

**C.M.P.No.12212 of 2025**

1.M.Venkatesh  
2.M.Rakshesh Varshan  
3.M.Saranya

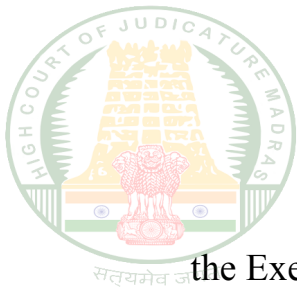
... Petitioners

Vs.

1.Hari Sarma  
2.G.Ravi Sharma  
3.G.Syam Sunder  
4.G.Venugopal  
5.R.Lakshmi  
6.G.Sujatha  
7.G.Lalitha  
8.G.Saraswathy  
9.S.Kuppammal  
10.D.Sarala  
11.J.Malar  
12.Indira Ganesan  
13.Manjula  
14.S.Saravanan

... Respondents

**Prayer** : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to direct the Registry, City Civil Court, Chennai, to number



C.R.P.No.2097 of 2025

the Execution Petition which is given E.P.SR.No.7479 of 2024 on the file of  
the IX Assistant City Civil Court, Chennai.

For Petitioners : Mr.K.Pradeep

For Respondents : Court Notice (Batta due)

### **ORDER**

When the revision came up before this Court on the last occasion, i.e., on 03.06.2025, this Court observed that the revision is not maintainable on merits. However, the learned counsel for the revision petitioner submitted that, if the other side appears, there will be an element of settlement. Only on that ground, the matter has been adjourned today. However, having taken an adjournment, notice has not been taken to the respondents. Hence, I am constrained to dispose of the revision itself on merits.

2.This revision has been filed challenging the order of the Execution Court, dated 12.03.2025, rejecting the Execution Petition in E.P.SR.No.7479 of 2024 filed by the petitioners, and to number the same.



C.R.P.No.2097 of 2025

WEB COPY

3.The subject property originally belonged to one Sita. She has entered into an agreement with one M.Sundararajan, who in turn, filed a suit for specific performance in O.S.No.3116 of 1996 on the file of the V Assistant City Civil Court, Chennai. The said suit was decreed. Challenging the decree, an appeal was filed in A.S.No.545 of 2005 on the file of the IV Additional City Civil Court, Chennai, and the same was dismissed. The matter was taken up to High Court in S.A.No.865 of 2008, which was also dismissed. At this stage, the petitioners, claiming to be the legal heirs of one M.Munirathinam, who is said to be the brother of M.Sundararajan, have filed the present Execution Petition to enforce the decree in O.S.No.3116 of 1996. According to them, M.Sundararajan, his brother M.Munirathinam, and sister Chandra entered into an agreement, dated 23.07.2001, before the Village elders and there was also a registered partition deed, dated 25.07.2001, effected between them, by which, the father of the petitioners, M.Munirathinam and the plaintiff M.Sundararajan have got equal share in the subject property. According to them, since the legal heirs of M.Sundararajan have not come forward to file an Execution Petition, they are entitled to enforce the decree by filing an Execution



C.R.P.No.2097 of 2025

Petition. Hence, they have filed the present Execution Petition to enforce the decree in O.S.No.3116 of 1996.

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4.The trial Court found that, in the registered partition deed dated 25.07.2001 relied upon by the petitioners, the property which is the subject matter of the suit in O.S.No.3116 of 1996, is never mentioned. Therefore, the trial Court clearly held that there was no assignment or transfer of right that took place between the parties in respect of the suit properties. Further, the trial Court held that the unregistered agreement, dated 23.07.2001, cannot be taken as authenticated evidence regarding transfer or assignment of decree. Hence, the trial Court dismissed the application. Challenging the same, this revision is filed.

5.The revision has been filed mainly on the ground that there was an agreement and partition deed between the parties pending suit in O.S.No.3116 of 1996, in which, the father of the petitioners, M.Munirathinam, was given a right. On perusal of the impugned order, the trial Court has clearly recorded the fact that, in the agreement as well as partition deed, there was no reference to the suit property and the



C.R.P.No.2097 of 2025

WEB COPY

assignment or devolution of interest never took place. When there is no transfer or assignment in favour of petitioners or their predecessor M.Munirathinam in respect of the properties which is the subject matter of the suit, the trial Court is right in rejecting the Execution Petition filed by the petitioners to enforce the decree in favour of M.Sundararajan. Therefore, I do not find any merit in this revision.

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

**30.06.2025**

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Internet : Yes  
Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No

To

- 1.The IX Assistant Judge,  
City Civil Court,  
Chennai.
- 2.The Section Officer,  
VR Section,  
High Court, Madras.



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C.R.P.No.2097 of 2025

**N. SATHISH KUMAR, J.**

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**C.R.P.No.2097 of 2025**

**30.06.2025**