



C.R.P. (NPD) No.1943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. (NPD) No.1943 of 2025 and
C.M.P.No.11090 of 2025

S.Thirumalai

... Petitioner

Vs.

1.M.Nithiyavathi

... 1st Respondent/Decree Holder

K.Sathanam (Died)

2. K.Parameswari

3. T.Varu Kumar

4. The Manager

South India Bank

No.150, Triplicane High road

Chennai - 600 005

... Respondents 2 to 5/Judgment Debtors

Prayer: Civil Revision Petition filed under Section 115 of C.P.C. to set aside the fair and decreetal order dated 04.04.2025 in E.A.No.5 of 2024 in E.P.No.4460 of 2022 in O.S.No.5725 of 2013 on the file of XXVII Assistant City Civil Court, Chennai.



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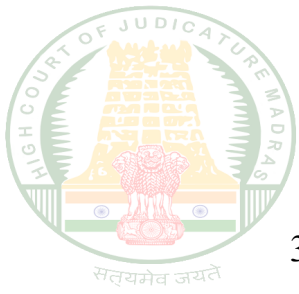
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For Petitioner : Mr.S.Mukunth, Senior Advocate
assisted by Mr.P.Kandasamy
For Respondents : Mr.K.Vimal Raj for R1
R2 and R3 - Not ready in notice
Mr.Pranava Charan for R4

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the fair and decretal order dated 04.04.2025 in E.A.No.5 of 2024 in E.P.No.4460 of 2022 in O.S.No.5725 of 2013 on the file of XXVII Assistant City Civil Court, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner who is the son of late Santhanam and brother of the decree holder, filed an Execution Application in E.A.No.5 of 2024 before the XXVII Assistant City Civil Court, Chennai, invoking Section 47 of CPC to set aside the decree and dismiss the Execution Petition filed by the decree holder in E.P.No.4460 of 2022, but the same was dismissed by order dated 04.04.2025. Hence, the present revision is filed.



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3. Heard and perused the materials available on record.

4. It is settled proposition of law that the parties to the suit/decreed only can invoke Section 47 of CPC for the scope as mentioned in Section 47 of CPC. Admittedly, the petitioner is not a party to the decree. Since the petitioner is not a party to the litigation, he is not entitled to invoke Section 47 of CPC.

5. Therefore, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

6. However, the petitioner is at liberty to work out his remedy in the manner known to law. The period spent in filing this civil revision petition may be excluded for the purpose of limitation.

20.08.2025

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The XXVII Assistant City Civil Court,
Chennai.

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P.VELMURUGAN,J.

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