



CRP(NPD) No.3047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 18.07.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (NPD) No.3047 of 2025 and CMP No.17101 of 2025

1.Kanniammal

2.C.M.Jothilingam

C.M.Santhi (died)

3.C.M.Shanmugam

... Petitioners

..Vs..

1.Nallathambi Kumar

2.C.M.Sarathammal

3.C.M.Dayalan

4.C.M.Moganathan

... Respondents

Prayer: This Civil Revision Petition is filed under Section 115 of CPC, to set aside the fair and decreetal order dated 28.03.2025 made in E.A.No.2 of 2016 in E.P No.01 of 2015 in O.S No.53 of 2005 on the file of the District Munsif cum Judicial Magistrate Court, Pallipet.

For Petitioners : Mr.K.Sankaran

ORDER

Challenge has been made to the order of the trial Court/District Munsif-cum-Judicial Magistrate's Court, Pallipet, dismissing the application filed under Section 47 of CPC.



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2. The Execution Petition has been filed to enforce the decree in

WEB O.S No.53 of 2005, filed by the 1st respondent/decree-holder.

3. It is relevant to note that the revision petitioners are not the parties to the suit. The decree has been passed only against the respondents 3 to 4 in the present revision petition. At that stage, the petitioners had filed an application under Section 47 of CPC making claim/right over the property. The trial Court has dismissed the said application. Challenging the same, this revision petition has been filed.

4. At the outset, this Court is of the view that admittedly the petitioners are not the parties to the suit. Section 47 of CPC deals with all the questions arising between the parties to the suit or their representatives relating to the execution, discharge, or satisfaction of a decree, must be determined by the court executing the decree, not by a separate suit. Since the revision petitioners are not the parties to the suit, they cannot agitate their right by way of filing an application under Section 47 of CPC. Such view of the matter, this Court do not find any merits in this revision.



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5. Accordingly, this Civil Revision Petition is dismissed. If the

petitioners' right over the property and their possession sought to be disturbed, the same can be agitated only at the time of delivery, by filing an application under Order XXI Rule 97 or 99 CPC. It is also made clear that if such application is filed, the Executing Court shall dispose the application within a period of two months. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

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To
The District Munsif cum Judicial Magistrate Court,
Pallipet.



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N.SATHISH KUMAR,J
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