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CRP NPD.No.2530 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2530 of 2025

Thangayal [died]
Viswanahan

. . . Petitioner

Versus

1. Sarasu
K.S.Ramasami [died]
R.Maheshkumar [died]
2. R.Duraisamy
3. K.P.Palanisami
4. P.Anandhan
Rangasami [died]
K.P.Govindasami [died]
5. Muthusami
Lakshmanan [died]
6. Eswaramoorthy
7. Dhakshinamoorthy
8. K.Parimaladevi
9. Ramathal
Subbulakshmi [died]
10. Pappathi
11. Sarasa
12. A.Arumugam
13. A.Jeevanathan



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14. S.Thangamani

. . . Respondents

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PRAYER : Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal Order passed in E.A.No.10 of 2017 in E.P.No.21/2014 in O.S.No.782 of 1992 dated 24.03.2025 on the file of the learned Subordinate Judge, Perundurai.

For petitioner : Mr.Harikrishnan R

ORDER

Challenge has been made to the Order of the Executing Court rejecting the application filed by one of the decree holder to transpose the second decree holder as a respondent, in the present Civil Revision Petition.

2. It is the contention of the learned counsel appearing for the petitioner that since the second decree holder is not co-operating with her in the execution proceedings to execute the preliminary decree passed as early as on 04.02.1994, sought to transpose second decree holder as the respondent. It is his further contention that the second decree holder was originally arrayed as a respondent and she was transposed as the petitioner on the basis of the



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alleged no objection given by the petitioner. According to her, she has not given no objection, only the counsel has made an endorsement. Therefore, sought to transpose the second petitioner as the respondent. The trial Court taking note of the fact that originally the second decree holder has been arrayed as a respondent and she was transposed as the decree holder on the basis of the endorsement made on behalf of the first petitioner namely, the second decree holder, rejected her contention as the preliminary decree has already been passed in favour of both the parties as early as on 04.02.1994. Challenging the same, the present Civil Revision Petition has been filed.

3. I have perused entire materials and heard the learned counsel appearing for the petitioner.

4. On a perusal of records, this Court does not find any infirmity in the Order of the Executing Court. Whether the petitioner at the earlier point of time transposed as second petitioner, at the instance of the petitioner or not assume insignificance, since the decree itself has been passed in favour of both of them. Now, the decree has to be executed and delivery of possession has to



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be proceeded for allotting the property. Hence, I do not find any merits in this revision. However, this Court directs the Executing Court to expedite the execution proceedings as early as possible, not later than three months from the of receipt of a copy of this Order.

5. With the above direction, this Civil Revision Petition is dismissed.

No costs.

26.06.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The Subordinate Judge,
Perundurai.



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N. SATHISH KUMAR, J.

vrc

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