



WEB COPY

C.R.P.No.3742 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**C.R.P.No.3742 of 2025
and C.M.P.No.19942 of 2025**

Jayabalan

Petitioner(s)

Vs

1.Ramakitchenane

Respondent(s)

Saroja (Died)

Appanraj (Died)

2.Rajavel

Ram Manohar (Died)

Karthikeyan (Died)

3.Saravanan

4.Augustin Mary

5.Ramajayam

6.Ramtilakar

7.Sheela

8.Sundarakrishnan

9.Nandhini

10.Amuthu

11.Manikandan

12.Anandraj

13.Rajamanickam



PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decretal order passed in E.A.SR.No.3955 of 2025 in

E.P.No.3 of 2024 in O.S.No.244 of 1994 on the file of the Learned Principal Sub Judge, Puducherry vide order dated 19.06.2025 as the same is liable to be set aside.

For Petitioner(s): Mr.D.Prasanna
for M/s.PVS Giridhar Associates

For Respondent(s): Mr.D.R.Arunkumar for R1

ORDER

The civil revision petition is filed by the petitioner challenging the fair and decretal order passed in E.A.SR.No.3955 of 2025 in E.P.No.3 of 2024 in O.S.No.244 of 1994 on the file of the learned Principal Sub Judge, Puducherry vide order dated 19.06.2025 and prayed to set aside the same.

2.It is submitted that the petitioner herein filed an Execution Application in E.A.SR.No.3955 of 2024 in E.P.No.3 of 2024 to discharge the petitioner from judgment and decree passed by the learned Principal Sub Judge, Puducherry.

The learned Principal Sub Judge, Puducherry has erroneously dismissed the



petition on 19.06.2025 at the preliminary stage on the ground that the Execution

Application is not maintainable.

WEB COPY

3.Learned counsel for the petitioner submitted that the petitioner purchased a property from Mr.Susaimani in respect of R.S.No.215/5, measuring an extent of 675 sq.ft. situated at Village No.38, Saram Revenue village, Cadastre No.1136 part. The same was registered vide Sale Deed dated 30.07.2001 registered as Document No.2794 of 2001 before the Sub Registrar Office, Oulgaret, Puducherry. The said Susaimani originally purchased the property from Ram Monohar. According to the petitioner, he is having valid right and title over the subject property and the same has to be decided in the claim petition otherwise, he would put to great hardship.

4.Heard learned counsel for the petitioner, learned counsel for the first respondent and perused the materials available on record.

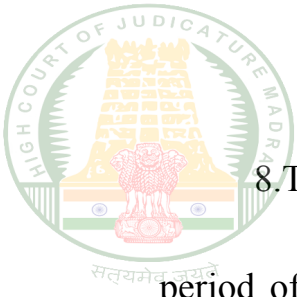


WEB COPY

5. On perusal of records, it is seen that before the Executing Court, the first respondent/plaintiff filed a petition for removal of obstruction in E.A.No.10 of 2025 in which the present Revision Petitioner was shown as 16th respondent and the learned Judge decided the said application by examining him as RW1 and marked 12 exhibits on his side. Learned Judge has held that the present Revision Petitioner had raised all the objections in the said application by filing his counter and also perused the documents pertained to the subject property and therefore, the learned Judge rejected the application as the same is not maintainable.

6. This Court is of the view that the Revision Petitioner already raised all his objections in E.A.No.10 of 2025 and hence, no separate application is required for the same. Therefore, the findings rendered by the Executing Court needs no interference and the same is confirmed.

7. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



8. The Trial Court is directed to dispose of E.A.No.10 of 2025 within a

period of 12 weeks from the date of receipt of a copy of this order, without

influence to the order passed by this Court.

13.08.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

pam

To

The Principal Sub Court Judge,
Puducherry.



WEB COPY

C.R.P.No.3742 of 2



T.V.THAMILSELVI, J.

pam

C.R.P.No.3742 of 2025

13.08.2025