



C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

Murugaiyan

... Petitioner

Vs.

Pakkirisamy (Deceased)

1. Chandra
2. Sugumar
3. Jaya
4. Radha
5. Thirunavukkarasu
6. Neelamegam

... Respondents

Prayer: Civil Miscellaneous Petition is filed under Section 151 C.P.C. to allow the petitioner's grant leave petition in the present Civil Revision Petition against the order in E.P.No.9 of 2017 on the file of the Court of District Munsif, Thiruthuraipoondi.

For Petitioner : Mr.S.Nirmal Aditya



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C.M.P.No.20597 of 2025
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ORDER

This Civil Miscellaneous Petition is filed to grant leave to the petitioner as a third party to file C.R.P.Sr.No.115181 of 2025 against the order in E.P.No.9 of 2017 on the file of the District Munsif Court, Thiruthuraipoondi.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. It is seen from the records that one Pakkirisamy and Chandra had filed the suit in O.S.No.319 of 1994 against respondents 5 and 6 herein for the relief of recovery of possession in respect of suit 'A' schedule mentioned properties and declaration and recovery of possession in respect of suit 'B' schedule mentioned properties and obtained decree in their favour. On appeal, the first appellate Court reversed the findings of the trial Court and as against the reversal judgment, the plaintiffs preferred second appeal in S.A.No.1041 of 1998 before this Court. This Court, by judgment dated 24.11.2016 upheld the judgment of the trial Court and set aside the judgment of the first appellate Court. Thereafter,



C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

WEB COPY

the decree holders viz., Pakkirisamy, Chandra and their legal heirs - respondents 2 to 4 herein have filed an execution petition in E.P.No.9 of 2017 for delivery of possession. In the meanwhile, the petitioner as a third party/objector in the said suit has filed a petition in E.A.No.48 of 2017 before the District Munsif, Thiruthuraipoondi under Order XXI Rules 97 and 99 and Section 151 C.P.C. to declare the decree passed in O.S.No.319 of 1994, is not executable and the same is not binding on him. The said E.A.No.48 of 2017 was dismissed on 27.09.2024. Subsequently, after hearing, E.P.No.9 of 2017 was allowed on 02.07.2025. Challenging the said order in E.P.No.9 of 2017, the present petition is filed by the petitioner.

4. It is the contention of the petitioner that he is not a party to the suit and execution proceedings, but being aggrieved by the judgment and decree and initiation of execution proceedings, he filed a petition in E.A.No.48 of 2017 praying to declare the decree passed in O.S.No.319 of 1994 is not executable. The learned District Munsif, Thiruthuraipoondi, without conducting proper enquiry dismissed the petition.

5. It is seen that the petitioner, in the present Civil Revision Petition



C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

has challenged the order passed in the Execution Petition in E.P.No.9 of 2017, in which he is not even a party. Unless the petitioner challenge the order passed in the petition, which was filed by him in E.A.No.48 of 2017, he could not challenge the order passed in the execution petition, since admittedly he is not a party to the either suit proceedings or execution proceedings.

5. Therefore this Court is not inclined to grant leave and hence this civil miscellaneous petition stands dismissed. Consequently the Civil Revision Petition is also rejected in the SR stage itself.

25.08.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

To

The District Munsif,
Thiruthuraipoondi.



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C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

P.VELMURUGAN, J

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C.M.P.No.20597 of 2025
in
C.R.P.Sr.No.115181 of 2025

25.08.2025