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C.R.P. No.5388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. No.5388 of 2024

1. S.Sethuraman

2. S.Gayathri

... Petitioners/Third Party

Vs.

1.C.Krishnalal

... 1st Respondent/Plaintiff

2. E.Chadrsekaran

3. E.Anbu

4. E.Mohan

5. E.Srinivasan @ Kuttiah

6. E.Rajaram @ Masthan

7. E.Rajalakshmi

8. E.Jaya Lakshmi

... Respondents Nos.2 to 8/Defendants Nos.1 to 7

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of

India to set aside the judgment and decree dated 18.06.2008 passed in



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O.S.No.444 of 2006 passed by the Principal District Court, Kancheepuram as

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illegal.

For Petitioner : Mr.M.Sharath Chandran

For Respondents : Mr.R.Thiagarajan for R1
R2 to R8 - No Appearance

ORDER

This Civil Revision Petition has been filed by the petitioners to set aside the judgment and decree dated 18.06.2008 passed in O.S.No.444 of 2006 passed by the Principal District Court, Kancheepuram.

2. The learned counsel for the petitioners submitted that the petitioners are subsequent purchasers pending litigation. The main contention of the petitioners is that the judgment is not in consonance with the specific Relief Act and summons were not served on the defendants 4, 6 and 7 who are the legal heirs of the original vendor. Therefore, the judgment of the trial Court is vitiated. Hence, he has invoked Article 227 of the Constitution of India since



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this Court has Superintendent Power over all the Subordinate Courts.

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Therefore, the judgment and decree is liable to be set aside. Since the petitioners are third party to the suit, they have got every right to challenge the judgment and decree by invoking Article 227 of the Constitution of India since they are affected party and also suffered with the illegal judgment and decree passed by the trial Court.

3. The learned counsel for the first respondent submitted that since the original vendor died, summons were served on his legal heirs and accordingly, they were impleaded as parties to the suit. They did not file written statement and not co-operated for the disposal of the suit on merits, and they remained ex-parte and ex-parte decree was also passed against the defendants. Thereafter, they filed a petition to set aside the ex-parte decree, for which they filed a petition to condone the delay of 2018 days and the said petition was dismissed for default. Thereafter, the petitioners filed execution petition and the same was allowed. The respondents took possession and now E.P. is



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terminated. He further submitted that at the time of taking delivery, an

Advocate Commissioner was appointed and he inspected the suit property. At that time, the revision petitioners created some stage-drama and also obstructed the Government Officials to effect delivery of the property. Therefore, the petitioners are well aware of all the proceedings, however, they kept quiet for the reasons best known to them and after E.P. ended finality, the first respondent took possession and at this stage, the petitioners filed the present revision with ulterior motive to cause disturbance to the first respondent/plaintiff. Therefore, the petitioners are not entitled to get any relief as sought for in this revision petition.

3. Heard and perused the materials available on record.

4. Admittedly, the first respondent filed a suit against the respondents 2 to 8 who are the legal heirs of original vendor in O.S.No.444 of 2006 on the file of the Principal District Court, Kancheepuram, Chengalpet. Except the defendants 4, 6 and 7, all other defendants were served, however, they declined



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to receive the notice. Thereafter, ex-parte decree came to be passed on

18.06.2008 as against them. Though the respondents 2 to 8 subsequently filed application to set aside the ex-parte decree with the delay of 2018 days under Section 5 of the Limitation Act, in I.A.No.59 of 2014, the same was subsequently dismissed for default on 20.07.2017 for non-prosecution. Thereafter, the first respondent/plaintiff filed an Execution Petition in E.P.No.113 of 2010 and delivery was also taken.

5. The records show that the petitioners, though are subsequent purchasers pending litigation, are aware of all the proceedings and even when R2 to R8 filed application to set aside the ex-parte decree, the revision petitioners kept quiet all along. Now, they have come forward with the present petition by invoking Article 227 of the Constitution of India.

6. Considering the facts and circumstances of the case and the conduct of the parties, this Court finds that the petitioners have not approached the Court with clean hands. Therefore, the petitioners are not entitled to get the



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relief sought for.

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7. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The Principal District Court,
Kancheepuram



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P.VELMURUGAN,J.

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