



AS No. 1020 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03-06-2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Appeal Suit No. 1020 of 2024
and
Civil Miscellaneous Petition No. 27048 of 2024

R. Raja

.. Appellant

Versus

1. M/s.Kala Fashion Pvt Ltd
Rep by its Director L.Sivakumar
Kala Fashion Pvt Ltd.
No.2/512, GST Road,
Vandalur, Chennai - 600048.
2. Sally Automotive Service Pvt Limited
Rep by its Managing Director Selvaraj,
No.30, Cenatoph Road,
Chennai - 18.
3. Velan Engineering Training Centre,
No.2/512, GST Road, Vandalur,
Chennai - 48.

.. Respondents

Appeal filed under Order 41 Rule 1 and Section 96 of Civil Code of Civil Procedure to set aside the Order and Decree dated 27.09.2024 passed in EA No. 124 of 2016 in EP No. 04 of 2009 in O.S. No. 422 of 2007 on the file of the learned Principal District Judge, Chengalpattu.

For Appellant

:

Mr. S. Prabhakaran
Senior Counsel
for Mr. S. Ruban Prabhu



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For Respondents

:

Mr. S. Mukunth

Senior Counsel

for Mr. M. Ashwin Kumar for R1

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JUDGMENT

The Appellant in this Appeal is a third party to the suit as well as the Execution Proceedings in E.P. No. 4 of 2019 in O.S. No. 422 of 2007.

2. The suit in O.S. No. 422 of 2007 was filed by the Plaintiff/first Respondent in this Appeal for a declaration to declare that he is the owner of the “A” Schedule property described in the plaint and for a consequential relief of recovery of possession of “B” and “C” schedule properties from the Defendants. The suit was filed as against the Respondents 2 and 3 in this Appeal, who are arrayed as Defendants 1 and 2 in the suit.

3. In the suit, despite notice, the Defendants 1 and 2 did not appear. Therefore, they were set *ex parte* and an *ex parte* Judgment dated 30.01.2008 was passed. In order to execute the Decree, the first Respondent/Decree Holder had filed E.P. No. 4 of 2009 with a prayer to pass appropriate orders for delivery of “B” and “C” schedule properties to him and to handover it through the process of the Court. It is at this stage, the Appellant, a third party to the suit as well as the execution proceedings filed E.A. No. 47 of 2009 under



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Section 47 of the Code of Civil Procedure praying to declare that he is the absolute and exclusive owner of the schedule mentioned property and consequently the first Respondent/Plaintiff/Decree Holder cannot execute the decree obtained by him on 30.01.2008 in O.S. No. 422 of 2007 and allow the claim petition in his favour and dismiss E.P. No. 4 of 2009.

4. For the application filed by the Appellant/third party in EA No. 47 of 2009, the first respondent-plaintiff filed a counter affidavit and prayed for dismissal of the application.

5. Notwithstanding the filing of E.A. No. 47 of 2009, the Appellant/third party had also filed E.A. No. 124 of 2016 under Order 21 Rule 97 of CPC to declare that the Judgment and Decree dated 30.01.2008 obtained in O.S. No. 422 of 2007 is vitiated by fraud and to forbear the first Respondent/Plaintiff/Decree Holder from evicting him from the schedule mentioned property and consequently to dismiss the E.P. No. 4 of 2009. For the application in E.A. No. 124 of 2016 the first Respondent/Plaintiff/Decree Holder by filing a counter and prayed for dismissal of the same.

6. The application in E.A. No. 124 of 2016 in EP No. 4 of 2009 in



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O.S. No.422 of 2007 was dismissed by the trial Court on 27.09.2024. Aggrieved by the same, the present Appeal Suit No. 1020 of 2024 is filed by the Appellant/third party.

7. Pending appeal in A.S. No. 1020 of 2024, Civil Miscellaneous Petition No. 27048 of 2024 was filed praying to grant interim stay of all further proceedings in EP No. 4 of 2019 in O.S. No. 422 of 2007 on the file of the learned Principal District Judge, Chengalpattu, pending disposal of the present Appeal Suit.

8. Mr. Prabhakaran, learned Senior Counsel appearing for the Appellant submitted that the learned Principal District Judge, Chengalpattu had dismissed the petition in E.A. No. 124 of 2016 in E.P. No. 4 of 2009 on 27.09.2024 without adhering to the provisions of Order XXI Rule 97 of C.P.C. The Execution Application No. 124 of 2016 was dismissed in a summary manner by observing as below in Para 2 and 3 of the order.

"2. In view of the order passed on 09.12.2022 in this application, petitioner failed to produce documentary evidence for his claim.

3. Petitioner/3rd party failed to prove his lawful possession by acceptable documentary proof. No arguments advanced by petitioner/3rd party. No settlement reported, even though petitioner sought for reporting settlement.



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4. *As the result, petition dismissed. No costs.*”

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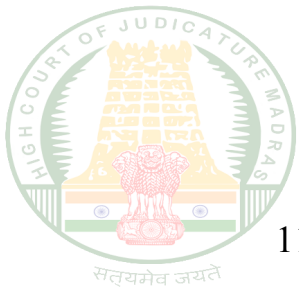
It is the contention of the learned Senior Counsel for the Appellant that originally, the Plaintiff before the trial Court in O.S. No. 422 of 2007 on the file of the learned Principal District Judge, Chengalpattu had filed the suit against the Defendants - Sally Automotive Services Pvt Ltd and another. In the said suit, the Appellant was not impleaded as a party especially when he was in possession of the properties described in the plaint. However, after obtaining an *ex parte* decree in the suit, the Plaintiff/first Respondent filed E.P. No.4 of 2009 in O.S.No.422 of 2007 for delivery of possession. On coming to know about the suit as well as the execution proceeding, the Appellant herein filed E.A. No. 124 of 2016 as third party. When the Petition was taken up for enquiry, the learned District Judge, Chengalpattu dismissed the petition without following the procedures under the Order XXI Rule 97 and 99 of C.P.C. The learned Judge ought to have granted time to adduce evidence and after full trial only should have either dismissed or granted the relief in favour of or against the Plaintiff. Instead, summarily, the Petition filed by the Appellant was dismissed by dispensing with the trial in the suit or to examine the witnesses, which prompted him to file the present appeal.

10. The learned Senior Counsel for the Appellant invited the attention



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of this Court to the averments in the Petition in E.A. No. 47 of 2009 as well as E.A. No. 124 of 2016 and submitted that the Appellant is the absolute owner of the property. The said property was owned by one Mr. Jayaraman who has given the property to the District Collector to hand over possession to the people affected by leprosy. The District Collector accordingly entrusted the property in favour of the people affected by leprosy. On 18.05.1996, the Handicapped and Leprosy Welfare Association, Malayadi Nagar, Vandalur passed a resolution to entrust the property to the Appellant and the Appellant in turn paid a consideration of Rs.15,00,000/-. From 18.05.1996, the Appellant is in possession of the land by constructing a building and compound wall. The Appellant is carrying on business of Automobile Service Centre in the name and style of Gojan Engineers Private Limited in the suit property. The said Association has subsequently passed another resolution on 25.05.1996 confirming the entrustment and possession of the property to the Appellant. Subsequently, the Appellant has mutated the revenue records and paying taxes and charges to the authorities concerned. While so, on the basis of the *ex parte* decree obtained in the suit, the officials of the Plaintiff/first Respondent Company visited the suit property on 12.10.2009 and immediately the Appellant has filed the applications mentioned above.



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11. The learned Senior Counsel submitted that earlier C.R.P (N.P.D).No. 1236 of 2016 was filed by the Appellant against the order dated 04.03.2016 passed in EA No. 47 of 2009 in E.P. No. 4 of 2009 in O.S. No. 422 of 2007. The learned Judge of this Court, by order dated 10.06.2016, dismissed the Civil Revision Petition with the following observations:-

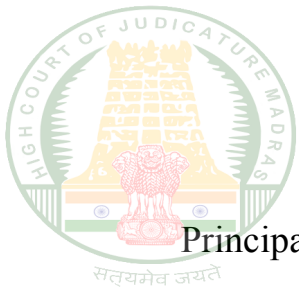
"Pursuant to the decree passed in the suit, the first respondent-plaintiff filed an Execution Petition in E.P. No. 4 of 2009. When the Execution Court ordered delivery, the revision petitioner, who is the third party, filed an application in E.A. No.47 of 2009 under Section 47 of the Civil Procedure Code stating that he is in possession of the property and that he has got right over the same. The application filed under section 47 of CPC was contested by the plaintiff and the Execution Court, taking into consideration the case of both the parties, dismissed the application.

5. Under section 47 of the Civil Procedure Code, the same can be invoked only by the parties to the suit and not by a third party. On this ground alone, the application filed by the revision petitioner under section 47 of CPC is liable to be rejected.

*6. Dr. C. Ravichandran, learned Counsel appearing for the petitioner, in support of his contention, relied upon a judgment reported in **2002 (1) SCC 662 (N.S.S. Narayana Sarma and Others v. Goldstone exports (P) Ltd and others)** wherein, the Hon'ble Supreme Court dealt with Order 21, Rule 97 of Civil Procedure Code and held that all the issues raised by the parties can be adjudicated under the said provision.*

7. Admittedly, there is no dispute with regard to the ratio laid down by the Hon'ble Apex Court in the said decision. Since the revision petitioner, who is the third party, has filed the application under Section 47 of CPC, the same is not maintainable, which was rightly dismissed by the Execution Court. In the case of the revision petitioner able to establish his possession over the suit property, in that case, it is open to the revision petitioner to contest the application, if any, filed by the decree holder and also file appropriate application before the Execution Court for establishing his possession over the property.

12. Further, the learned Senior Counsel for the Appellant invited the attention of this Court to the order dated 27.09.2024 passed by the learned



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Principal District Judge in E.A. No. 124 of 2016 in E.P. No. 4 of 2009 and

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submitted that none of the averments raised by the Appellant has been considered. The dismissal of E.A. No. 124 of 2016 is erroneous and therefore the Appellant had filed the present Appeal Suit. The Appellant is in possession of the suit property for more than 20 years. Earlier, the first Respondent had filed O.S. No. 205 of 2005 but it was suppressed while filing the present suit in O.S. No. 422 of 2007. The suit in O.S. No. 205 of 2005 was filed for permanent injunction and the said suit is still pending. The above aspects have not been considered while passing the impugned order on 27.09.2024 dismissing E.A. No. 124 of 2016. The application in E.A. No. 124 of 2016 has to be treated as a suit and it requires an elaborate examination of facts. But the Court below passed a cryptic and non-speaking order while passing the order dated 27.09.2024. Accordingly, the learned Senior Counsel for the Appellant prayed this Court to set aside the order dated 27.09.2024 and to allow this appeal.

13. Opposing the submissions made by the learned Senior Counsel for the Appellant, Mr. S. Mukunth, learned Senior Counsel for the Plaintiff/First Respondent invited the attention of this Court to the typed set of papers wherein the deposition of the witness and the documents relied by the Appellant herein were filed. In particular, the learned Senior Counsel for the Plaintiff/First



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Respondent placed reliance on the order passed by this Court in
WEB C.R.P.(N.P.D).No.1236 of 2016 filed against the order dated 04.03.2016 in E.A.

No. 47 of 2009 in E.P. No.4 of 2009. In the said order dated 04.03.2016, it was specifically held that the provisions contained under Section 47 of the Code of Civil Procedure can be invoked only by the parties to the suit and not by a third party. It was further held that it is open to the Revision Petitioner to establish his right in the property in question before the trial Court. In the present case, the trial Court, on considering the evidence made available on record passed the order dated 27.09.2024 dismissing E.A. No. 124 of 2016 in E.P. No. 4 of 2009 in O.S. No.422 of 2007 by placing reliance on the earlier order dated 09.12.2022 passed in EA No. 124 of 2016. The learned Senior Counsel for the Plaintiff/first Respondent invited the attention of this Court to the order dated 09.12.2022 passed in EA No. 124 of 2016. In para Nos. 6 and 7 of the said order, it was held as follows:-

“6. Further, the petitioner states the property under his occupation was handed over to the petitioner by the handicapped leprosy welfare association and no document is produced along with this application to that effect. Further, according to the petitioner, the property was handed over by one Jayaraman to the District Collector, Kancheepuram in turn to be given to the leprosy people. Therefore, it indicates that the property was given for public purpose. Under these circumstances it is not explained how it has been converted as a private property and who gave the authority. When the District Collector handed over the property for handicapped and leprosy welfare association, if the association not require the property any more it ought to have handed over to the District Collector. It is not explained



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how the petitioner-third party came into possession lawfully. Therefore, as there is no documentary proof in support of the contentions by the petitioner/third party no need for oral evidence. The petitioner is at liberty to argue the matter and mark the documents, if available.

7. Therefore, petitioner is not permitted for oral evidence, but petitioner is at liberty to argue the application and to mark the documents available with him. For enquiry 20.01.2023.”

14. By pointing out the above order dated 09.12.2022, the learned Senior Counsel for the Plaintiff/First Respondent submitted that an opportunity was given to the Appellant to produce documentary evidence in support of his claim. However, the Appellant did not file any document and therefore, by the order dated 27.09.2024, the application of the Appellant in E.A. No. 142 of 2016 was dismissed on the ground that the Appellant did not produce any document to prove his lawful possession. The learned Principal District Judge did not dismiss the petition in E.A. No. 124 of 2016 in a summary manner. An opportunity was given to the Appellant/3rd party to prove his claim but he failed to file any documentary evidence in support of his claim. Thus, it is evident that even though the Appellant has contended that he is in lawful occupation of the property after the property was entrusted to him by the Leprosy Association, he has not filed any document to substantiate it. The suit was filed in the year 2009 and till date, the litigation has been prolonged at the instance of the Appellant whereby the Plaintiff/First Respondent was not allowed to enjoy the



fruits of the decree.

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15. The learned Senior Counsel for the Plaintiff/First Respondent also invited the attention of this Court to the order dated 04.03.2016 passed in EA No. 47 of 2009 in EP No. 4 of 2009 in OS No. 422 of 2007. In fact, this order dated 04.03.2016 was upheld by this Court in CRP (NPD) No. 1236 of 2016.

The relevant portion of the order dated 04.03.2016 is extracted below:-

“... In order to prove that the property was owned by such leprosy association the petitioner has produced Ex.A3 and Ex.A4. Ex.A3 is the alleged letter dated 05.12.1990 by one Jayaraman to the Collector of Chengai Anna District, Kancheepuram. As per the said document, he was the owner of the property and he has no objection for allotting the same to the leprosy affected persons. No document has been filed to show that the letter was accepted and acted upon by the District Collector and the property mentioned in Ex.A3 was allotted to the leprosy people. Ex.A4 is the alleged document acknowledging the handing over of the property bearing S.No.201/2E to the petitioner. The letter is dated 25.05.1996. The letter pad contains the registration No.as439/1998, it would go to show that the letter pad was printed in the year 1998 or later on. But the document is dated 25.05.1996. So prima facie Ex.P4 is a document created for the purpose of this case. The author of the document was also not examined. No document has been filed to prove that the property belongs to the Association. No document has been filed to prove that the alleged payment of Rs.15,00,000/- has been paid by them to the association. No document has been filed to prove that it stood in the name of them. So the documentary evidence relied upon by the petitioner are highly doubtful in nature. On the basis of those document, even if we accept as true no title will pass to the petitioner. On the basis of such document, no order declaring the title to the petitioner over the petition mentioned property can be passed.

7. ...So in all aspects, the petitioner failed to establish his title to the



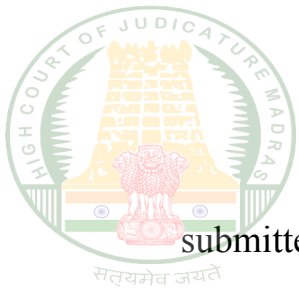
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petition mentioned property. In the petition, the property was referred as S.No.201/2B 17 cents 201/2F 17 cents and total 34 cents. Even for argument sake the decree has no connection with the property in possession of the petitioner. He can resist the same in the E.P... ”

16. By pointing out the above order, it is submitted by the learned Senior Counsel for the Plaintiff/First Respondent that till this date, the Appellant has not produced a scrap of paper to show that his possession in the suit property is lawful. On the other hand, the Plaintiff/first Respondent purchased the property in question by way of a registered sale deed dated 27.02.1991 registered as document No. 539 of 1991. The Plaintiff/First Respondent is carrying on leather business from 1991 onwards. However, during 2006, there was no business activity carried on in the suit property and taking advantage of the same, the Defendants in the suit have trespassed into the property without the knowledge of the Plaintiff/first Respondent. Therefore, a legal notice dated 27.03.2007 was issued for which no reply notice was issued. Hence, the suit was filed and even in the suit, the Defendants 1 and 2 did not appear and consequently an *ex parte* judgment and decree was passed. However, from the year 2009, the Appellant herein is preventing the Plaintiff/first Respondent from enjoying the fruits of the decree.

17. The learned Senior Counsel for the Plaintiff/first Respondent also



submitted that this is the second round of litigation and the CRP (NPD) No. 1236 of 2016 filed by the Appellant was dismissed by this Court on 10.06.2016.

The learned Senior Counsel for the Plaintiff/first Respondent invited the attention of this Court to the relevant portion of the order in E.A. No. 124/2016 in E.P.No.4/2009 dated 09.12.2022 which reads as follows:

“1. This petitioner is the 3rd party in this application who is claiming possession in the suit property. The property described in the schedule in Door No.2/512 in survey No.201/2E, 201/2F total measuring 0.34 cents. According to the petitioner he is in possession and enjoyment of the property carrying on automobile service center in the name of the Gojan Enterprises Private Limited. According to him, the property originally belonged to one Jayaraman which was handed over to the District Collector for the purpose of giving the same to the leprosy people. Accordingly, the property was granted in favour of leprosy people and they have been in possession of the property for several years.

2. The petitioner further contends that on 18.05.1996 the handicapped and leprosy welfare association passed a resolution to that effect the property described in the schedule handed over absolutely to the petitioner herein on receiving compensation. Thereby the petitioner claimed to be in possession of the property from 1996. The petitioner states the handicapped and leprosy welfare association received a sum of Rs.15 lakhs on 18.5.1996 thereby the petitioner is in possession of the property constructing a building thereon for the purpose of automobile workshop by raising a compound wall of 1.25 acres including the schedule property got an electricity connection.”

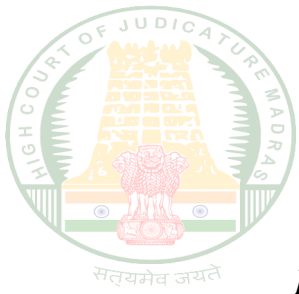
18. Thus, to substantiate the claim of the Appellant that he is in lawful occupation of the property, no document has been produced so far inspite of the direction of the Court to produce documentary evidence. When the Appellant claims that he is in possession of the property on the basis of a resolution passed



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by the Leprosy Association, he has to substantiate it through documentary evidence. On the other hand, the documents produced by the Appellant namely Ex.A-4 is the letter dated 25.05.1996. The letter pad (Ex.A-4) contain the Registration Number with the date as 04.03.1998 which would go to show that the letter pad was printed in the year 1998 or later, but the letter was dated 25.09.1996 which *prima facie* establishes that it is a document created for the purpose of this case. The Author of the document also was not examined. No document had been filed to prove that the document belongs to the Association. No document had been filed to prove that the alleged payment of Rs.15,00,000/- was paid by the Appellant to the Association. Therefore, the learned Judge held that it is a fraudulently created document to prove possession. After granting sufficient time, the Appellant has not furnished document as proof of possession. Therefore, the Order dated 27.09.2024 was rightly passed. The Appeal Suit itself is not maintainable and it is liable to be dismissed. The suit was filed in the year 2007 and was decreed in the year 2008. The Execution Petition was filed in the year 2009. However, to prevent the execution of decree passed in favour of the Decree holder/Plaintiff, this Appeal has been filed. The Appeal is without any merits and it is liable to be dismissed.

Point for determination:



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Whether the Order passed by the learned Principal District Judge in E.A.No.124 of 2016 in E.P.No.4 of 2009 in O.S.No.422 of 2007 dated 27.09.2024, the Petition under Order XXI, Rules 97 and 99 of Civil Procedure Code is perverse and is to be set aside?

19. Heard the learned Senior Counsel appearing for the Appellant, the learned Senior Counsel for the Plaintiff/first Respondent and perused the materials placed on record.

20. On hearing the argument of the learned Senior Counsel for the Appellant and the learned Senior Counsel for the First Respondent, this Court had called for the certified copy of original records in E.P. No. 4 of 2009 in O.S. No. 422 of 2007 on the file of the learned Principal District Judge, Chengalpattu. On perusal of the original records, it is found that on 09.12.2022, the learned Principal District Judge passed an elaborate Order, mentioned supra. In the order dated 09.12.2022, it was specifically observed by the Trial Court that the claim of the Appellant is not substantiated with any documentary evidence. Therefore, the Appellant was directed to produce documentary evidence in support of his claim. However, the Appellant did not produce any document and therefore, in the order dated 27.09.2024 passed in EA No. 124 of 2016 in EP No. 4 of 2009 in O.S. No. 422 of 2007, the trial Court has rightly observed that the earlier order dated 09.12.2022 has not been complied with by



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the Appellant by producing documentary evidence in support of his claim.

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21. As mentioned above, earlier, the Petitioner has filed E.A. No. 47 of 2009 in which the same averments have been raised. In fact, it was contended that the suit itself is a collusive or fraudulent suit and therefore, the decree passed in the suit has to be declared as void or obtained by fraud. The said application in EA No. 47 of 2009 was dismissed by the trial court on 04.03.2016 against which CRP (NPD) No. 1236 of 2016 was filed. The said Civil Revision Petition No. 1236 of 2016 was dismissed by this Court on 10.06.2016 by specifically observing that such a petition filed by a third party to the suit cannot be countenanced. If at all, such an application has to be filed only by a party to the suit. However, by the order dated 10.06.2016, this Court permitted the Revision Petitioner/Appellant herein to establish his possession over the suit property and file appropriate application before the Execution Court. In spite of such a direction issued by this Court as also the order dated 09.12.2022 passed by the trial Court, the Appellant has not filed any document in support of his defence.

22. It is observed by the learned Principal District Judge, Chengalpattu that the Appellant states that the property under his occupation was handed over



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to him by the Handicapped and Leprosy Welfare Association. However, no document was produced before the learned Principal District Judge along with the Application under Order XXI Rule 97 and 99 of the Civil Procedure Code in E.A. No. 124 of 2016. As per the claim of the Appellant/third Party, the property was handed over by one Jayaraman to the District Collector, Kancheepuram with a request to handover the property to the people affected by Leprosy. This was clearly pointed out in the order dated 09.12.2022. In the order dated 09.12.2022, it was specifically observed that the property was given for a public purpose. Under those circumstances, it is not explained by the Appellant as to how the property could be converted into a private property and who gave the Authority to do so. When the District Collector handed over the property for the Handicapped and Leprosy Welfare Association and if the Association does not require the property, the Association ought to have handed over it back to the District Collector. However, it is not explained as to how the Appellant/third Party came into possession lawfully. Such an observation made by the trial Court is absolutely justified. There is no documentary proof forthcoming from the Appellant/third Party to substantiate his case.

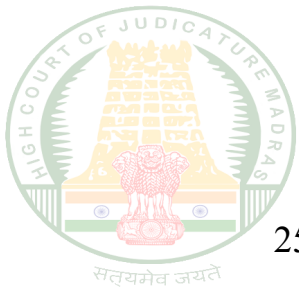
23. From the documentary evidence made available, it could be seen that it was represented before the learned Principal District Judge on behalf of



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the Appellant that the subject matter is likely to be settled and therefore sought adjournment repeatedly, till 14.08.2024. Subsequently, when the case was taken up for hearing, it was recorded that no settlement could be effected and therefore, the learned Principal District Judge posted the case for passing orders. On 19.12.2022, it was specifically observed that the Appellant failed to produce the documentary evidence in support of his claim and granted him time to file the document. However, the Appellant/third Party failed to prove his lawful possession by acceptable documentary proof.

24. The learned Senior Counsel for the Appellant sought Interim Stay of the Order dated 27.09.2024 passed by the learned Principal District Judge, Chengalpattu in E.A. No. 124 of 2016 in E.P. No.4 of 2009 in O.S. No. 422 of 2007 on the ground that the learned District Judge permitted the Petitioner to mark documentary evidence without there being any trial or issues framed. This contention of the learned Senior Counsel for the Appellant cannot be accepted. When an opportunity was given to the Appellant to file documentary evidence, he ought to have filed the same. The Appellant, without complying with the directions issued in the order dated 09.12.2022 cannot be permitted to stall the execution proceedings any further.



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25. As rightly pointed out by the learned Senior Counsel for the Plaintiff/First Respondent, the learned Principal District Judge had elaborately passed the Order on 09.12.2022 stating that there is no necessity for any oral evidence. The third Party/Appellant was directed to file documents in support of his case and to establish that one Jayaram handed over the property to the District Collector for handing over it to Handicapped and Leprosy People. However, the Appellant has not furnished any document to show that one Jayaraman handed over the property to the District Collector and the District Collector in turn handed over the property to the Handicapped and Leprosy Welfare Association. If that be the case, without re-conveying the property to the District Collector, Kanchipuram, how it could be entrusted to the Appellant/third Party is not known. Therefore, this Court is of the view that the Appellant has not made out any case for consideration. The order dated 27.09.2024, which is impugned in this appeal, is well merited.

26. In the light of the above discussions, the arguments put forth by the learned Senior Counsel for the Appellant/third Party are found unacceptable and the arguments put forth by the learned Senior Counsel for the Plaintiff/First Respondent are found acceptable. The Order passed on 27.09.2024 dismissing the Execution Application No. 124 of 2016 in EP No. 4 of 2009 in O.S. No. 422



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of 2007 is found proper. In the order dated 27.09.2024, it was clearly stated

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that the directions issued in the earlier order dated 09.12.2022 have not been complied with by the Appellant. In the order dated 09.12.2022, the learned Principal District Judge had elaborately dealt with the merits and submissions made by the Counsel for both sides. However, as the directions issued on 09.12.2022 have not been complied with by the Appellant, the subsequent order dated 27.09.2024 came to be passed. The order dated 27.09.2024 is legally sustainable and it does not call for any interference by this Court. In the earlier order dated 09.12.2022, the learned Principal District Judge had raised the query as to how the Appellant came into possession of the property, when and how one Jayaraman had gifted the property to the District Collector, Kancheepuram for the benefit of the Handicapped and Leprosy Welfare Association, when the District Collector handed over the property to the Association of Handicapped and Leprosy people. The learned Principal District Judge also observed that if the Association does not require the land gifted to them any further, the Association is only expected to hand over the land back to the District Collector and they have no right to convey it to the Appellant. In any event, when the Appellant has not explained as to how the property came into his possession with documentary evidence, the learned Principal District Judge is wholly justified in passing the order dated 27.09.2024.



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WEB COPY27. In the light of the above discussion, the point for determination is answered against the Appellant and in favour of the Respondents. The order passed by the learned Principal District Judge in E.A.No.124 of 2016 in E.P.No.4 of 2009 in O.S.No.422 of 2007 dated 27.09.2024, the Petition under Order XXI Rule 97 and 99 of Civil Procedure Code is found proper which does not warrant any interference by this Court.

In the result, **this Appeal Suit is dismissed as having no merits.** The order and decree dated 27.09.2024 passed in EA No. 124 of 2016 in EP No. 4 of 2009 in O.S. No. 422 of 2007 stands confirmed. No costs. Consequently, Civil Miscellaneous Petition No. 27048 of 2024 is closed.

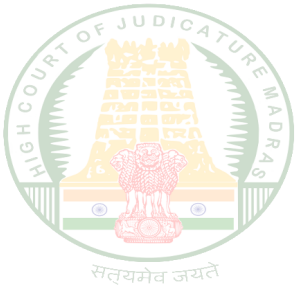
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Shl/srm

Internet : Yes / No

Index : Yes/No

Speaking/Non-speaking order



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To:

1. The Principal District Judge,
Chengalpattu.
2. The Section Officer,
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