



C.R.P. No. 483 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.483 of 2025
and C.M.P.No.4906 of 2025

Rajalakshmi

... Petitioner

Vs

1. OJAS Finance,
Represented by its Partner,
D.No.1/156A, Sathy main road,
SS Kulam, Coimbatore – 641 107.

Ramasamy (Died)

2. R.Meena

3. Praveenkumar

4. Hari Gowtham

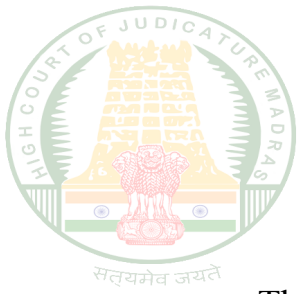
... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the rejection (docket) order passed by the 2nd Additional Subordinate Court at Coimbatore dated 03.12.2024 in E.A.CFR No.28693 of 2024 in E.P.No.931 of 2016.

For Petitioner : Mr.M.Saravana Kumar

For R1 : Mr.S.Karthikei Balan

For R2 to R4 : Mr.M.R.Thangavel



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ORDER

This Civil Revision Petition has been filed against the docket order passed by the 2nd Additional Subordinate Court at Coimbatore, on 03.12.2024 in in E.A.CFR No.28693 of 2024 in E.P.No.931 of 2016 in O.S.No.45 of 1994.

2. The brief facts of the case are that the revision petitioner is the 3rd party. The Suit filed by the first respondent/plaintiff in O.S.No.45 of 1994 against one Ramasamy/defendant before the 2nd Additional Subordinate Court at Coimbatore, was decreed on 14.09.1994. Thereafter, the first respondent had filed an execution petition in E.P.No.931 of 2016 against the respondents 2 to 4, who are the legal heirs of the defendant Ramasamy, for delivery of the property. The petitioner, who claims to be the subsequent purchaser, had filed E.A.CFR No.28693 of 2024 with a prayer seeking to declare the decree passed in O.S.No.45 of 1994 dated 14.09.1994 is not valid and binding on the petitioner pertained to the property mentioned. The Executing Court, finding that such a prayer cannot be maintained, had rejected the petition without numbering the same. Against which, the present Civil Revision Petition has been filed.

3. Learned counsel for the petitioner submitted that the docket order passed



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by the executing Court rejecting the petition without numbering the same is against

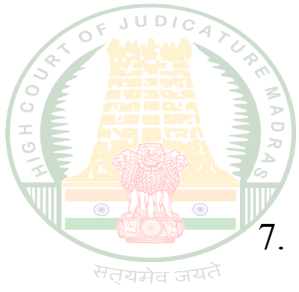
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law. He further submitted that the Court ought to have numbered the petition, heard the petitioner and passed a judicial order rather than rejecting the same. Hence, he prayed to set aside the docket order dated 03.12.2024.

4. Learned counsel for the respondents submitted that the executing Court, finding that the prayer in E.A.CFR No.28693 of 2024 is not maintainable in an application filed under Order XXI Rule 101 r/w 151 of CPC, had rightly rejected the application. Further, the petitioner claims to have been cheated by respondents 2 to 4, therefore, in such circumstances, she can only take action against respondents 2 to 4 and cannot seek to declare the decree as not valid.

5. Heard both sides and perused the materials available on record.

6. On perusal of record, this Court is able to see that the petition in E.A.CFR No.28693 of 2024 has been filed by the petitioner under Order XXI Rule 101 r/w 151 of CPC, in which, the prayer had sought to declare the decree passed in O.S.No.45 of 1994 dated 14.09.1994 is not valid.



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7. Considering the above facts, this Court is of the opinion that there is no merits in the revision petition as the prayer sought for by the petitioner in E.A.CFR No.28693 of 2024 before the 2nd Additional Subordinate Court at Coimbatore is not maintainable. Thus, this Court does not find any illegality or infirmity in the order passed by the learned 2nd Additional Subordinate Judge, Coimbatore.

8. Accordingly, the Civil Revision Petition stands dismissed. However, it is open to the petitioner to proceed in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

19.03.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The 2nd Additional Subordinate Court, Coimbatore.
2. The Section Officer, VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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