



C.R.P.No.5069 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.5069 of 2025

& C.M.P.No.25545 of 2025

Yuvarani Vadivelu

... Revision Petitioner/Obstructor

/3rd Party

Vs.

K.Murugan

... First respondent/Decree
Holder/Petitioner/Petitioner

S.Selvakumar

... Second Respondent/Judgment
Debtor/1st Respondent

Civil Revision Petition filed under Section 115 of Code of Civil Procedure, 1908 to set aside the order passed in E.A.No.2 of 2025 in E.P.No.17 of 2023 in M.C.O.P.No.72 of 2017 by the Hon'ble Special Sub-Judge (MACT No-II) at Thiruvallur on 29.08.2025.

For Petitioner : Ms.S.Vidya

ORDER

Heard Ms.S.Vidya, learned counsel for the revision petitioner.



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2. The revision petitioner, claiming that the share belonging to the revision petitioner was sought to be executed by way of attachment in an award for compensation arising out of a motor accident claim, has come with an application questioning the execution taken under Section 47 of the Code of Civil Procedure, 1908. However, the Executing Court has dismissed the application on the ground that the application under Section 47 is not maintainable at the instance of a third party, who has nothing to do with the MCOP.

3. I do not find any infirmity in the findings of the Executing Court non-suiting the petitioner on the ground of maintainability. However, it is the specific case of the revision petitioner that the petitioner owns $\frac{1}{4}$ share in half share and the share in excess of what is entitled to the respondent/judgment debtor is only brought for sale in auction in order to satisfy the decree amount in MCOP proceedings.

4. In the light of the above, without prejudice to the dismissal of the application under Section 47 of CPC, the liberty is granted to the revision petitioner to move an appropriate application invoking the correct provision of law.



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With the above observation, this civil revision petition is dismissed.

Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

22.10.2025

Index: Yes/No

Neutral Citation: Yes/No
gpa

To

The Special Sub-Judge
MACT No.II
Thiruvallur



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P.B.BALAJI.J.,

gpa

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