



C.R.P. No.5739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

THE HON'BLE MR. JUSTICE P. B. BALAJI

**C.R.P. No.5739 of 2025
and
C.M.P. No.28565 of 2025**

Revathy

... Petitioner

Vs.

1. A/M. Dharmaraja Thirukoil,
Rep by its Executive Officer,
Chennai – 600 004.

2. P. Rajamanickam

Tmt. Rani (Died)
Tr. Mahesh (Died)

3. Tr. Prakash

Respondent 2 and 3 are residing
at No.17A, Dharmaraja Koil Thottam,
Arulmigu Dharmaraja Koil,
Mylapore, Chennai – 600 004.

... Respondents

PRAYER: Revision Petition filed under Article 227 of the Constitution of India to set aside the return endorsement dated 09.10.2025 and take on file in unnumbered E.A. No..... of 2025 filed under Section 47 Rule I of CPC in E.P. No.165 of 2004 in O.S.No.2395 of 2001 on the file of IX Assistant



City Civil Court, Chennai.

C.R.P. No.5739 of 2025



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For Petitioner : Mr. V. Ragupathy

ORDER

The present civil revision petition has been filed to set aside the return endorsement dated 09.10.2025, returning the impleading application as not maintainable.

2. Heard Mr. V. Ragupathy, learned counsel for the petitioner and gone through the records.

3. The petitioner's case is that he is one of the legal representatives of the first defendant and in support of the same, legal heirship certificate has also been annexed with the application for impleading. It is the grievance of the petitioner that the petitioner has not been impleaded in the proceedings and is claiming under first judgment debtor. The petitioner sought himself to be impleaded in the execution proceedings.



4. The Court below has erroneously dismissed the application as not maintainable. In fact, I do not find any reason for returning the application as not maintainable, when the petitioner asserts to be a legal representative of the first Judgment Debtor and in support of the same, he has also produced legal heirship certificate of his mother, where the name of the father of the Judgment Debtor is reflected as well.

5. In view of the above, and also taking note of the directions issued by this Court in the case of *Selvaraj and Others Vs. Koodankulam Nuclear Power Plant India Ltd. reported in 2021 (4) CTC 539*, I am inclined to set aside the order of return dated 09.10.2025 and accordingly, set aside.

6. Registry shall return the original application filed by the petitioner by 19.11.2025 through the counsel of the petitioner herein to enable the petitioner to re-present the papers before the Executing Court. On such re-presentation, within a period of one week from the date of receipt of a copy of this order, the Executing Court shall number the application and dispose of the same on merits after hearing the contesting respondents.



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7. Accordingly, this civil revision petition is allowed. No Costs.

Consequently, connected civil miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

Note: Issue Order Copy on 18.11.2025.



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P. B. BALAJI. J.,

ab

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