



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.619 of 2021

and

C.M.P.(MD)No.3438 of 2021

1.C.Sivapakkiyam
2.C.Selvaraj
3.C.Malliga
4.N.Mhamuni
5.M.Sumithra

...Petitioners

Vs.

1.Chinnaiyan
2.P.Periyammal
3.P.Periyasamy

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow this Civil Revision Petition setting aside the order dated 08.08.2019 made in E.P.No.6 of 2010 in O.S.No.117 of 2004, on the file of the Additional District Munsif Court, Lalgudi.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondents 1&2 : No appearance

For Respondent No.3 : Mr.VR.Shanmuganathan



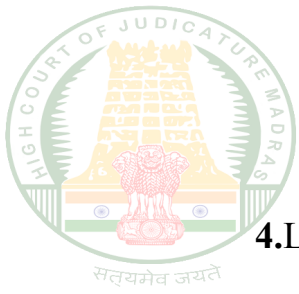
ORDER

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This petition has been filed seeking to quash the order dated 08.08.2019 made in E.P.No.6 of 2010 in O.S.No.117 of 2004, on the file of the Additional District Munsif Court, Lalgudi.

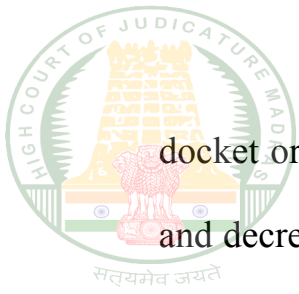
2.The case of the petitioners is that one Palaniandi filed a suit for specific performance in O.S.No.117 of 2004, on the file of the Additional District Munsif Court, Lalgudi, to execute the sale deed in respect of the suit property in favour of the plaintiff, after receiving the balance sale consideration within the time stipulated by the trial Court and the said suit was decreed ex-parte as against one Chinnappan and Chinnaian. These petitioners are legal heirs of Chinnappan. The suit was decreed in favour of Palaniandi on 16.11.2009. For execution of the judgment and decree, the said Palaniandi filed E.P.No.6 of 2010 and the same was allowed. Thereafter, the sale deed was executed on 08.08.2019. Challenging a docket order dated 08.08.2000, this Civil Revision Petition is filed.

3.However, learned Counsel for the respondents would submit that pursuant to the sale deed, delivery was also ordered in favour of the respondents and the respondents are in possession and enjoyment of the property.



4.Learned Counsel for the petitioners did not dispute the facts submitted by the respondents. However, the grievance of the petitioners is that they were not impleaded in the suit and they were impleaded only in the E.P. proceedings and E.P. was also held against the petitioners and in the EP proceedings, without issuing notice in the EP proceedings. The grievance of the petitioners is that without issuing notice, sale deed being executed by the Court in favour of the respondents is unsustainable, for the simple reason that the petitioners were not arrayed as a party and though they were impleaded in the EP, no notice was issued. Accordingly, prays for allowing this Civil Revision Petition.

5.The facts in the case are not in dispute. The fact remains that a specific performance suit was filed by one Palaniandi in the year 2004, against the petitioner's father Chinnappan, seeking to execute the sale deed by receiving the balance sale consideration. The said suit was decreed in favour of the plaintiff when the petitioners' father was alive. Thereafter, E.P. was filed in the year 2010 and E.P. was ordered on 08.08.2019. Admittedly, the petitioner's father died only on 27.06.2012. It appears that the entire sale consideration was paid in the year 2009 itself. However, the petitioners slept over the matter and the petitioners' father also did not take effective steps to challenge the judgment and decree in the suit. Subsequent to the sale deed, delivery was ordered. Now, at this stage, the petitioners have filed this Civil Revision Petition, challenging a



docket order. The petitioners did not take steps either to set aside the judgment and decree in the suit or the order in the E.P. Proceedings. Challenging a docket order is impermissible unless the judgment and decree in the suit or the E.P. order is set aside, since a consequential order cannot be challenged. Hence, this Court does not find any merit in the present Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Additional District Munsif Court,
Lalgudi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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