



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.362 of 2025

and

C.M.P(MD)No.2055 of 2025

1.Jothilakshmi
2.Perumalsamy
3.Dhanasekaran

...Revision Petitioners

Petitioners(E.A.11/2024) /
3rd Parties(E.A.6/2024) /
3rd Parties(E.P.No.56/2020) /
3rd Parties(O.S.No.14/2008)

Vs.

M.Ramdev Poorva (Died)

1.Vinodh Poorva
2.Siddharth Poorva

...Respondents 1 and 2 (CRP)

Respondents 1 to 3(E.A.11/2024)
Petitioners (E.A.6/2024)
Petitioners(E.P.No.56/2020) /
Plaintiffs(O.S.No.14/2008)

3.P.Alwarsamy

...3rd Respondent(CRP)

4th Respondent(E.A.11/2024)
Respondent(E.A.6/2024)
Respondent(E.P.No.56/2020) /
Defendant(O.S.No.14/2008)



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decreetal order, dated 13.11.2024 made in E.A.No. 11 of 2024 in E.A.No.6 of 2024 in E.P.No.56 of 2020 in O.S.No.14 of 2008 on the file of the Subordiante Judge, Sattur.

For Petitioners : Mr.P.Santhosh Kumar

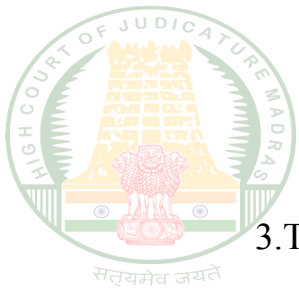
For Respondents : Mr.J.Vishnu for R2

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ORDER

The third parties in O.S.No.14 of 2008 on the file of the Sub Court, Sattur, are the revision petitioners herein.

2.The said suit was filed for the relief of recovery of money based upon a registered mortgage. The preliminary decree was passed on 07.04.2005 and final decree was passed on 20.07.2009. The decree holder had filed E.P.No.56 of 2020 for selling the properties in the public auction. The auction purchaser had filed E.A.No.6 of 2024 for delivery of the properties. When such an application was pending, the present E.A.No.11 of 2024 has been filed by the third parties to the suit claiming the title over the properties. The said application has been filed under Order 21 Rules 97 and 99 of C.P.C. The said application has been dismissed by the Executing Court on 13.11.2024. Challenging the same, the present revision petition has been filed.



3.The facts captured above will clearly indicate that the present revision has been filed, challenging the order passed in the claim petition, as per Order 21 Rule 103 of C.P.C. The order passed in claim petition is a deemed decree and it is appealable order.

4.In view of the above said facts, the Civil Revision Petition stands disposed of with liberty to challenge the same in appeal before the competent Court. No costs. Consequently, connected miscellaneous petition is also closed.

5.The Registry is directed to return the original impugned order after obtaining due signature from the learned Counsel appearing for the revision petitioners.

10.02.2025

Internet:Yes/No
Index:Yes/No
RJR

Note: Issue order copy on 10.02.2025

To

The Subordiante Court, Sattur.



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C.R.P.(NPD)(MD)No.362 of



R.VIJAYAKUMAR, J.

RJR

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