



C.R.P.(NPD)(MD)No.924 of 2025

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.03.2025

CORAM

**THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR**

**C.R.P.(NPD)(MD)No.924 of 2025**

**and**

**C.M.P(MD)No.4933 of 2025**

Selvi ...Petitioner/4<sup>th</sup> Respondent/4<sup>th</sup> Respondent/  
4<sup>th</sup> Defendant

Vs.

1.K.Pandi ...1<sup>st</sup> Respondent/Petitioner/Petitioner/Plaintiff

2.Govindaraj

3.Santhanam

4.Rakku ...Respondents 2 to 4/Respondents 1 to 3/  
Respondents 1 to 3/Defendants 1 to 3

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the order dated 13.12.2024 made in E.A.No.2 of 2024 in E.P.No.5 of 2023 in O.S.No.68 of 2018 on the file of Learned District Munsif cum Judicial Magistrate Court, Ilayangudi, and set aside the same and allow this Revision petition.

For Petitioner : Mr.T.Antony Arul Raj

\* \* \* \* \*



C.R.P.(NPD)(MD)No.924 of 2025

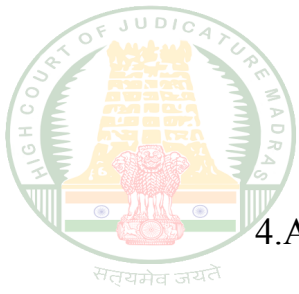
## **ORDER**

WEB COPY

The fourth defendant in O.S.No.68 of 2018, on the file of the District Munsif cum Judicial Magistrate Court, Ilayangudi, has filed the present revision petition challenging an order passed by the Execution Court in E.A.No.2 of 2024, wherein the second respondent in the execution proceedings has been deleted at the instance of the decree holder.

2.A perusal of the records reveal that the first respondent in the revision petition has obtained the decree for declaration of title, recovery of possession and mandatory injunction with regard to the suit schedule property. He has filed E.P.No.5 of 2023, to take delivery of the property.

3.According to the plaintiff, the second defendant is not in possession of the property and he is residing abroad and therefore, he has filed E.A.No.2 of 2024, to delete him from the array of party in E.P.No.5 of 2023. This application has been allowed by the Executing Court. Challenging the same, the fourth defendant has filed the present revision petition.



C.R.P.(NPD)(MD)No.924 of 2025

4. According to the learned Counsel appearing for the revision petitioner, the decree for recovery of possession and mandatory injunction are joint and several and therefore, if the second defendant is deleted from the array of party, the decree becomes in-executable. In such circumstances, the plaintiff cannot be permitted to delete the second defendant from the array of party in the execution petition.

5. When the second defendant/second respondent is deleted from the array of party in E.P.No.5 of 2023, it is only for the said defendant to raise an objection. The fourth defendant cannot have any grievances over the same. In case, if the fourth defendant feels that the execution petition is not maintainable after deleting the second defendant, it is for him to raise appropriate objection before the Executing Court.

6. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

**24.03.2025**

Internet: Yes/No  
Index: Yes/No  
RJR



WEB COPY



C.R.P.(NPD)(MD)No.924 of 2025

**R.VIJAYAKUMAR, J.**

RJR

To

The learned District Munsif cum Judicial Magistrate, Ilayangudi.

**Copy to:-**

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court, Madurai.

**C.R.P.(NPD)(MD)No.924 of 2025**

**24.03.2025**