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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.920 of 2025

and

C.M.P(MD)No.4906 of 2025

M.Elangiyam

...Petitioner/Petitioner/60th Respondent/
Nil/Nil

Vs.

A.Chinnasamy

...Respondent/Respondent/petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 01.02.2025 in E.A.No.25/2025 in E.A.No. 1/2021 in EP No.109 of 2007 in OS No.249 of 2000, on the file of I Additional Subordinate Judge, Trichirappalli, and allow this Civil Revision Petition.

For Petitioner : Mr.K.R.Kishore Ram

For Respondent : M/s.B.Deepa

* * * * *



ORDER

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A third party to O.S.No.249 of 2000, on the file of the I Additional Sub Court, Tiruchirappalli, has filed the present revision petition, challenging the dismissal of his application to set aside the ex-parte order passed in execution proceedings.

2.The respondent herein had filed the above said suit for the relief of recovery of money. The suit was decreed on 16.08.2005. The decree holder has filed E.P.No.109 of 2007, to attach and bring the property for sale. The property was attached and it was purchased by the decree holder himself. The sale certificate was issued in his favour on 13.03.2010.

3.The decree holder has filed E.A.No.229 of 2010, for delivery of the property. Since there was obstruction from many persons, the auction purchaser has filed E.A.No.1 of 2021 under order 21 Rule 97 of C.P.C. to remove the obstruction. In the said application, 89 obstructors are shown as the respondents. The present revision petitioner who is arrayed as the 60th respondent was set ex-parte on 21.09.2024. The revision petitioner has filed I.A.No.24 of 2025, to set aside ex-parte order on 22.01.2025. This application was dismissed on 01.02.2025. Challenging the same, the present



revision petition has been filed.

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4. In the mean time, the executing Court has proceeded to allow E.A.No.1 of 2021, on 06.03.2025, with a direction to remove the obstruction and the superstructure erected, if any, therein and bring the petitioner into the possession of the suit schedule property.

5. According to the learned Counsel appearing for the revision petitioner, the executing Court without giving any opportunity to the revision petitioner to challenge the order dated 01.02.2025 made in E.A.No.25 of 2025, has proceeded to pass the final orders in E.A.No.1 of 2021.

6. Per contra, the learned Counsel appearing for the respondent herein had submitted that for the past 25 years, the plaintiff is not able to see the colour of the coin.

7. The facts narrated above will clearly indicate that the present revision petition has been filed challenging the order refusing to set aside the ex-parte order in E.A.No.1 of 2021. In the mean time, final orders have already been passed in E.A.No.1 of 2021 on 06.03.2025. In such circumstances, the present



revision is not maintainable. However, it is open to the revision petitioner to challenge the order dated 06.03.2025, made in E.A.No.1 of 2021, if he is so advised, in the manner known to law and shall file an appeal before the appropriate Court.

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

19.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned I Additional Subordinate Judge, Trichirappalli.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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