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

DATED: 28.04.2025

CORAM

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

**C.R.P.(PD)(MD)Nos.1374 & 1375 of 2025**

**and**

**C.M.P(MD)No.7141 of 2025**

**C.R.P.(PD)(MD)No.1374 of 2025**

- 1.Boarselvi
- 2.Selvin Immanuel Rajan
- 3.Vijil
- 4.Ciril

...Petitioners/Petitioners/Respondents/  
2<sup>nd</sup> Defendants LR's of the 1<sup>st</sup> Defendant

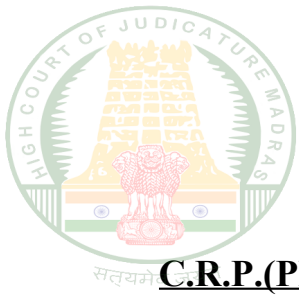
Vs

Seyyad Masood ...Respondent/Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition by directing learned Principal Subordinate Court, Tenkasi District, to number the unnumbered E.A.No..... of 2025, in E.P.No.120 of 2014, in O.S.No.91 of 1997, against the order return dated 20.02.2025.

For Petitioners : Mr.S.Micheal Heldon Kumar

\* \* \* \* \*



**C.R.P.(PD)(MD)No.1375 of 2025**

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1.Boarselvi  
2.Selvin Immanuel Rajan  
3.Vijil  
4.Ciril

...Petitioners/Petitioners/Respondents/  
2<sup>nd</sup> Defendants LR's of the 1<sup>st</sup> Defendant

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For Petitioners : Mr.S.Micheal Heldon Kumar

\* \* \* \* \*

### **COMMON ORDER**

The judgment debtors in O.S.No.91 of 1997, on the file of the Principal Sub Court, Tenkasi, have filed the present revision petition seeking a direction to number an application filed under Section 47 of C.P.C.



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2.A perusal of the records reveal that the suit for specific performance came to be filed by the respondent and the said suit was decreed. The plaintiff has filed E.P.No.120 of 2014, for execution of the sale deed and the defendants have remained ex-parte. The sale deed was executed by the Court and it was registered.

3.The judgment debtors have filed E.A.No.1 of 2019, to set aside the ex-parte order in the execution proceedings and the same was dismissed. Challenging the same, the defendants have filed C.R.P.(MD)No.1405 of 2015, before the High Court. The said revision petition was disposed of with liberty to the defendants to approach the trial Court with respect to the contention put forwarded by him. Challenging the same, the defendants have filed S.L.P. and the same was dismissed.

4.Thereafter, the decree holder has filed E.A.No.4 of 2019, for delivery of the property. The delivery was taken on 17.02.2025 and E.A.No.4 of 2023, was terminated on 18.02.2025. In the meantime, the present application has been filed on 17.02.2025, under Section 47 of C.P.C.



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5.The executing Court has returned the said application on the ground that already delivery has been recorded. Therefore, this Court is not inclined to issue any direction to the executing Court to number the Section 47 application. In case, if the judgment debtor has aggrieved over the order of delivery, it is open to him to challenge the same in the manner known to law.

6.With the above said observations, both the Civil Revision Petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

**28.04.2025**

Internet:Yes/No  
Index:Yes/No  
RJR



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**R.VIJAYAKUMAR, J.**

RJR

To

The learned Principal Subordinate Judge,  
Tenkasi District.

**Copy to:-**

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

**C.R.P.(PD)(MD)No.1374 & 1375 of 2025**

**28.04.2025**