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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.1246 of 2025

and

C.M.P(MD)No.6580 of 2025

1.Gajendran

2.Thulasai

Minor represented by the next friend
mother and Guardian Rajeswari

...Revision Petitioners/Petitioners/3rd Parties/
3rd Parties/3rd Parties

Vs

1.V.Krishnan

...Respondent No.1/Respondent No.1/
Petitioner/Appellant/Plaintiff

Vadivel (Died)

...Respondent/Defendant/Defendant

Rajalakshmi (Died)

2.Rajendran

3.Kalaikumar

4.Jeyasankar

5.Sureshkumar

....Respondents/Respondent/___/Not a party in the suit

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated 17.12.2024 in E.A.No.10 of 2024 in E.P.No.14 of 2025 in A.S.No.38 of 2012 in O.S.No.406 of 2008, on the file of Principal District Munsif Court, Tirunelveli.



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For Petitioners : Mr.V.Rajiv Rufus

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ORDER

The present revision petition has been filed by third parties to O.S.No.406 of 2008, on the file of the Principal District Munsif Court, Tirunelveli, challenging the dismissal of their application filed under Order 21 Rule 97 (wrongly quoted as Section 47 C.P.C.).

2.A perusal of the records reveal that the application filed under Section 47 of C.P.C. by the third parties to the suit making claim over the property has been dismissed by the executing Court on its merits. Since an appeal remedy is available under Order 21 Rule 103 of C.P.C., the present revision petition is not maintainable.

3.Accordingly, this Civil Revision Petition stands disposed of with liberty to the petitioners to challenge the said order before the competent appellate Court. The petitioner shall file an appeal on or **before 30.06.2025**. Till such time, the executing Court shall not proceed further.



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

22.04.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Principal District Munsif,
Tirunelveli.

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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