



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1635 and 1723 of 2022

and

C.M.P.(MD).Nos.7144 & 7556 of 2022

C.R.P.(MD).No.1635 of 2022

Jeyarajan

...Petitioner

Vs.

Pappa (died)

1.Kannan

2.Chitra

3.Kala

4.Seetha

5.Muthuvel

6.Kavitha

7.Rajeswari

8.Mayilraj

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to strike off the case in E.A.No.9 of 2022 made in E.P.No.43 of 2019 in



O.S.No.24 of 2012 pending on the file of the District Munsif Court, Aundipatti.

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For Petitioner : Mr.V.P.Rajan

For R-1 to R-6 : Mr.R.Karunanithi

C.R.P.(MD).No.1723 of 2022

Jeyarajan ...Petitioner

Vs.

Pappa (died)

1.Kannan

2.Chitra

3.Kala

4.Seetha

5.Muthuvel

6.Kavitha

7.Rajeswari ...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the order dated 02.06.2022 made in E.A.No.1 of 2021 made in E.P.No.43 of 2019 in O.S.No.24 of 2012 pending on the file of the District Munsif Court, Aundipatti.

For Petitioner : Mr.V.P.Rajan

For R-1 to R-6 : Mr.R.Karunanithi



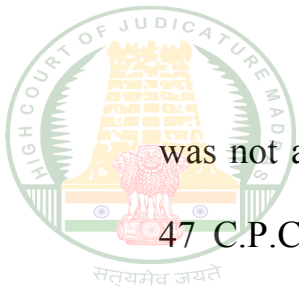
COMMON ORDER

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C.R.P.(MD).No.1635 of 2022 has been filed to strike off the case in E.A.No.9 of 2022 made in E.P.No.43 of 2019 in O.S.No.24 of 2012 pending on the file of the District Munsif Court, Aundipatti.

2. C.R.P.(MD).No.1723 of 2022 has been filed to set aside the order dated 02.06.2022 made in E.A.No.1 of 2021 made in E.P.No.43 of 2019 in O.S.No.24 of 2012 pending on the file of the District Munsif Court, Aundipatti.

3. The suit in O.S.No.24 of 2012 was originally filed by one Pappa against the seventh respondent before the District Munsif Court, Aundipatti, seeking (i) declaration of title, recovery of possession and mandatory injunction. The trial Court, by judgment dated 09.08.2019, decreed the suit in favour of Pappa and granted mandatory injunction directing removal of encroachments in accordance with the Commissioner's report and plan (Ex.C1 to Ex.C3). After the demise of Pappa, respondents 1 to 6, claiming as her legal representatives, filed E.P.No.43 of 2019 to execute the decree. The present petitioner was not a party to the suit or to the said execution petition. During the execution process, respondents 1 to 6 allegedly attempted to take possession of property in the occupation of the petitioner. The petitioner claims to have then become aware of the decree in O.S.No.24 of 2012 and, asserting that he



was not a party to the original proceedings, filed an application under Section 47 C.P.C., which was numbered as E.A.No.1 of 2021. This application was dismissed on 02.06.2022. Subsequently, respondents 1 to 6 filed E.A.No.9 of 2022 in E.P.No.43 of 2019, impleading the petitioner as a third party, seeking to execute the decree. That application is presently pending.

4. The learned counsel for the petitioner submits that the petitioner is a third party to the decree and cannot be impleaded in execution proceedings. It is argued that such impleadment is impermissible in law and that the petitioner's rights over the property cannot be determined in execution.

5. The learned counsel for the respondent Nos.1 to 6 submits that the petitioner, though not a party to the suit, is in possession of a portion of the suit property and resisted delivery during execution. It is stated that the petitioner and others even obstructed Court officials, necessitating the filing of E.A.No.9 of 2022. The respondents contend that the petitioner is at liberty to raise all objections before the executing Court, and the present civil revision petitions under Article 227 of Constitution of India and Section 115 CPC are not maintainable at this stage.

6. This Court finds that the petitioner, having been impleaded in the pending execution proceedings, has a statutory remedy to raise all permissible objections before the executing Court. The scope of interference under Article



227 C.P.C. is limited, and no extraordinary circumstances have been shown warranting such intervention at this stage.

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7. In view of the above, both Civil Revision Petitions are dismissed. Liberty is granted to the petitioner to raise all permissible objections before the executing Court in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

18.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The District Munsif Court, Aundipatti.

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



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C.R.P.(MD)Nos.1635 and 1723 of 2



M.DHANDAPANI, J.

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C.R.P.(MD)Nos.1635 and 1723 of 2022

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