



WEB COPY



C.R.P.(PD)(MD) No.2229 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	08.01.2025
Pronounced on	.01.2025

CORAM

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No. 2229 of 2024 and
CMP(MD).No.12623 of 2024

Dhanam(died)

1.Logaambal

Ramsamy (died)

2.Balan

3.Dhanapal

4.Mallika

... Petitioners / petitioners 2 and 4 to 6

Vs.

Nagarajan

.. Respondent / defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 08.02.2024 made in I.A.No.4 of 2023 in E.A.No.3 of 2023 in E.P.No.25 of 2005 in O.S.No. 344 of 1997 on the file of the Principle District Munsif Court, Musiri.

For Petitioner : Mr. Chathuthiraja

For respondent : Mr.B. Ponnuvandi



C.R.P.(PD)(MD) No.2229 of 2024

ORDER

WEB COPY This Civil Revision Petition has been filed against the fair and decretal order, dated 08.02.2024 made in I.A.No.4 of 2023 in E.A.No.3 of 2023 in E.P.No.25 of 2005 in O.S.No.344 of 1997 on the file of the Principle District Munsif Court, Musiri.

2. According to the revision petitioners, the respondent as plaintiff filed the above suit in O.S.No.344 of 1997 on the file of the Principle District Munsif Court, Musiri for specific performance with respect to D and E suit schedule property and for permanent injunction restraining the defendants from interfering with his possession in O.S.No. 144 of 1997 on the file of the District Munsif Court, Musiri and the same was decreed on 19.12.2000. Thereafter, the plaintiff filed the Execution Petition in E.P.No.25 of 2005 in O.S.No.344 of 1997. Pending the said Execution Petition, the revision petitioners have filed an application in E.A.No.4 of 2023 for receiving certain documents to prove that D and E schedule property was sold to third parties even before filing of the suit and the same was dismissed on 08.02.2024. Challenging the same, the petitioners herein have filed the present Civil Revision Petition.



C.R.P.(PD)(MD) No.2229 of 2024

3. The learned counsel appearing for the revision petitioners submits that the D and E schedule properties have been sold to the third parties even before filing of the suit and the third parties are in possession of the same. To establish the above fact the said documents are necessary. However, the trial Court without considering the above facts erroneously dismissed the said application.

4. On the other hand, the learned counsel appearing for the respondent would submit that the revision petitioner has no *loco standi* to file the above application in E.A.No.4 of 2023 for the reason that in the above suit ex parte decree was passed against the revision petitioners. The application to set aside the ex parte decree was also dismissed and therefore, the petitioners are not entitled to file the application for receiving the documents in the execution proceedings. The attempt of the revision petitioners is only to delay the execution proceedings. Hence, the revision is liable to be dismissed.

5. Heard on both sides. Records perused.

6. Admittedly, the decree passed in the suit in O.S.No.344 of 1997



C.R.P.(PD)(MD) No.2229 of 2024

was not set aside. At this juncture, the revision petitioners have no *loco standi* to file the above application in E.A.No.4 of 2023 for filling the proof of sale deeds in the execution proceeding. The above application has been filed by the petitioners herein shows the intention of the revision petitioners is only to drag on the execution proceedings. The Executing Court, after considering the same rightly dismissed the application, which calls for no interference by this Court.

7. Accordingly, this Civil Revision Petition is dismissed confirming the order, dated 08.02.2024 made in I.A.No.4 of 2023 in E.A.No.3 of 2023 in E.P.No.25 of 2005 in O.S.No.344 of 1997 on the file of the Principle District Munsif Court, Musiri. No costs. Consequently, the connected Miscellaneous Petition is closed.

.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

trp

Copy To:

The Principle District Munsif Court, Musiri.



WEB COPY



C.R.P.(PD)(MD) No.2229 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

trp

Pre-Delivery Order made
in
C.R.P.(MD) No. 2229 of 2024 and
CMP(MD).No.12623 of 2024

.01.2025