



C.R.P.No.3159 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3159 of 2013
and M.P.No.1 of 2013

Annamalai
S/o. Chinna Kutty Udayar,
Nayampadi Village,
Kallaripadi Post,
Chengam Taluk,
Thiruvannamalai District,
Pincode – 702.

..Petitioner(s)

Vs

1. Vijaya
W/o Balu
2. Balu
S/o Chinnakuzhantai,
Both Res At 24/A1, Vasu Sri Ramulu St,
Polur Town, Polur Taluk,
Thiruvannamalai Dt.

..Respondent(s)

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the injunction order dated E.A.No.214 of 2008 in E.P.No.105 of 2007 on the file of District Munsif Court, Chengam, dated 06.10.2012 by allowing this Civil Revision Petition.



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For Petitioner(s): Mr.P.R.Shankar
For Respondent(s): Mr. R.Balakrishnan For R1
Mr.P.Gajendra Babu for R2

ORDER

This Civil Revision Petition has been filed as against the injunction order dated 06.10.2012 passed by the learned District Munsif, Chengam in E.A.No.214 of 2008 in E.P.No.105 of 2007.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. On perusal of the records, it is revealed that the first respondent got married to the second respondent on 02.09.1984. After their marriage, they gave birth to a male child. Thereafter, the second respondent had driven out the first respondent from the matrimonial house due to misunderstanding between them. Therefore, the first respondent filed petition for maintenance before the Sub Court, Thiruvannamalai in O.P.No.19 of 1991 as against the second respondent. It was renumbered as O.S.No.4 of 1992 and decreed by the judgment and



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decree dated 06.03.1992. While being so, the petitioner created a sale agreement dated 30.11.2006, in respect of the property owned by the second respondent by forging the signature of the first respondent. The said property was brought for auction sale in order to realize the decree amount by way of attachment in E.P.No.105 of 2007 in O.S.No.4 of 1992. Thereafter, the property was auctioned and the same was purchased by the first respondent on 18.02.2008 and she was issued with sale certificate by the trial Court on 23.06.2008. The sale certificate was also duly confirmed in favour of the first respondent by payment of stamp duty and also registered vide document No.21 of 2008 dated 30.06.2008.

4. While being so, the petitioner filed a petition under Section 47 of C.P.C., before the learned Principal District cum Judicial Magistrate, Chengam, to set aside the sale deed dated 18.02.2008 in favour of the first respondent herein and the same was dismissed by an order dated 06.10.2012. After knowing the fact that, the first respondent filed petition to execute the decree of maintenance, the sale deed was created in favour of the petitioner to escape from the clutches of law. Therefore, the petitioner is a third party and he has no locus to maintain any application under Section 47 of C.P.C. Therefore, the petition filed by the petitioner was rightly dismissed by the execution Court by an order



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dated 06.10.2012 in E.A.No.214 of 2008 in E.P.No.105 of 2007. That apart, the petitioner had shown 940 sq.ft., in the property registered in favour of the first respondent and created further encumbrance. Therefore, the trial Court rightly dismissed the petition filed under Section 47 and Order 21 Rule 20 of C.P.C., to set aside the sale deed dated 18.02.2008 in favour of the first respondent herein. Hence, this Court finds no infirmity or illegality in the order passed by the trial Court and the present revision is liable to be dismissed.

5. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To

WEB COPY

1. Principal District cum Judicial Magistrate,
Chengam,
2. The District Munsif,
Chengam.



WEB COPY



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G.K.ILANTHIRAIYAN, J.

rts

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