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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CMP No. 29993 of 2026
in C.R.P.Sr.No.187192 of 2026

1. M.S. Veerappan
2. K.Palanivelu
3. B.Satheeskumar
4. M.Ramasamy

..Appellant(s)

Vs

1. Madhan Raj
2. R.Radha @ Radha Ramalingam

..Respondent(s)

Prayer:- Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure, pleased to grant leave to the petitioners to file the above C.R.P. against the order dated 05.12.2025 in E.A.No.3 of 2025 in R.E.P.No.107 of 2023 in C.O.S.No.25 of 2022 on the file of the II Additional District Court, Tiruchengode, Salem.

For Appellant(s): M/s.R.Vidhya Shankar
for Mr.Niranjan R.S

ORDER

The main Civil Revision Petition is filed by a third party challenging the order passed by the Executing Court dismissing the application filed by second respondent / Judgment Debtor.

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2.The first respondent herein filed a suit for recovery of money against the second respondent and obtained a decree. The same has been put into execution against the second respondent in R.E.P.No.107 of 2023. In the said Execution Petition, the second respondent / Judgment Debtor filed an application under Section 47 of Code of Civil Procedure seeking a declaration that the decree obtained by the first respondent was a nullity. The said application under Section 47 of the C.P.C. was dismissed by the Executing Court, by observing the second respondent / Judgment Debtor was not entitled to reagitate issues already raised in the suit and found against him. Aggrieved by the same, the petitioners / third parties have come before this Court.

3.The learned counsel for the petitioners would submit the subject property was mortgaged by the second respondent in favour of City Union Bank and the petitioners are the purchasers of the said property in a SARFAESI proceeding initiated by City Union Bank. If the petitioners are aggrieved by the order of attachment passed by the Executing Court, it is always open to them to move the Executing Court for raising of the attachment by filing an appropriate application. The petitioners / third parties are not entitled to challenge the order passed by the Executing Court dismissing the Section 47 application filed by the second respondent / Judgment Debtor. The petitioners' rights has not been canvassed in the Section 47 application filed by the second respondent.

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Therefore, the petitioners are not aggrieved parties. Consequently, this Court is not inclined to grant leave. Accordingly, the Civil Miscellaneous Petition is dismissed and the connected Civil Revision Petition is rejected in S.R stage.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

EP
To:-
II Additional District Court,
Tiruchengode.

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S.SOUNTHAR, J.

EP

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