



C.R.P.(MD)No.715 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.715 of 2026

and

C.M.P.(MD)No.3316 of 2026

Nagalakshmi

... Petitioner

vs.

1.Veerapathira Chettiar

2.Kasi Ambalakarar

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 05.11.2025 made in E.A.No.42 of 2022 in E.P.No.17 of 2022 in O.S.No.248 of 2004 on the file of the learned District Munsif Court, Aranthangi and allow the above Civil Revision Petition.

For Petitioner : Mr.R.Prasanna

ORDER

The Civil Revision Petition challenges the dismissal of an application filed under Section 47 of the Code of Civil Procedure, by the Civil Revision Petitioner.



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2. Heard Mr.R.Prasanna for Civil Revision Petitioner.

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3. O.S.No.248 of 2004 is a suit for specific performance of agreement of sale presented by one Veera bathira Chettiar against Kasi Ambalakarar. The said suit was originally dismissed; but, a decree for specific performance was granted on appeal. In pursuance of the decree, the decree holder presented E.P.No.17 of 2022.

4. At that stage, the petitioner herein, who is a rank stranger to the decree, presented an application in E.A.No.42 of 2022 under Section 47 of the Code of Civil Procedure. She attempted to project an independent claim in the said application. According to her, the suit schedule mentioned property is her ancestral property, and she has a share in the same. She pleads that, if the decree holder takes possession of the property, she would be put to prejudice. The learned Trial Judge dismissed the petition. Hence this revision.

5. A third party to a decree is not entitled to file an application under Section 47 of the Code. It applies only to the decree-holder or a person claiming under the decree-holder and likewise, to a judgment debtor. Independent claims made by a third party cannot be the subject matter of enquiry in such an application. Section 47 only relates to discharge or satisfaction of the decree.



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6. The plea of the petitioner, as stated above, is independent of discharge or satisfaction. There are enough and more provisions available under the Code for the revision petitioner to work out her rights, if not in the execution proceedings, by filing a separate suit, if she is so advised.

7. As an application under Section 47 of the Code of Civil Procedure is not maintainable, this Civil Revision Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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To:

The District Munsif Court, Aranthangi.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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