



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.415 of 2026 and
CMP(MD).No.1922 of 2026

1. R. Meera,
2. Minor S.M.Kaushal
3. Minor S.M.Kausik
(minors rep. By their mother /
next friend R.Meera)

... Petitioners

Vs.

1. K.Nagarajan
2. N. Vijaya Kogilah
3. N. Kannaiah Babu
4. N. Arun Vignesh
Late. Soundarajan(Died).
5. S. Damodara Kannan,
6. Jayalakshmi,
7. Ramasubbu,
8. Ratha
9. Sathya

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to revise and set aside the Docket Order passed in Un Numbered E.A. No. of 2025 dated 12.01.2026 in E.P. No. 169 of 2022 in O.S. No. 735/1997 passed by the II Additional District Munsif, Madurai Town and allow the Revision Petition and thus render justice.



For Petitioner : Mr.Narayanan.R,

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ORDER

This Civil Revision Petition has been filed to set aside the Docket Order passed in Unnumbered E.A. No. Nil of 2025, dated 12.01.2026, in E.P. No.169 of 2022 in O.S. No.735 of 1997 on the file of the II Additional District Munsif, Madurai Town, and to allow this Revision Petition.

2. The learned counsel appearing for the revision petitioner submitted that the suit was decreed, whereby certain rights were conferred on the revision petitioner. However, the revision petitioner was not made as a party to the said suit, and the judgment resulted in an ex parte decree. The ex parte decree was not challenged. Subsequently, execution proceedings were initiated. The revision petitioner claims that she has an independent right over the scheduled property. The trial Court passed the following order:

“Records perused. This petition is filed under Order XXI Rule 58 of C.P.C., 1908, to amend the petition-mentioned property. The counsel for the petitioner submitted that based on Order XXI Rule 2, the decree can be adjusted. Order XXI Rule 2 deals with payment out of Court. However, this petition is filed by the proposed respondent to amend the petition-mentioned property. The citations relied upon by the proposed respondent/petitioner were also perused. The petitioners/proposed respondents are not dominus litis and have no authority to amend the petition-mentioned property. It is settled law that the executing Court cannot act beyond the decree. The petitioner has acted in an ultra vires manner. No liability has been imposed in the decree to be extinguished; therefore, the



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proposed respondent has no authority to file this application. Hence, this petition is rejected as unnumbered, being not maintainable. It is also pertinent to note that the scope of the prayer does not fall under Order XXI Rule 58 C.P.C., 1908. Further, this petition is not maintainable in law, as the petitioner has no locus standi to file this application. No order as to costs. Hence, this petition is rejected.”

3. The trial Court has returned the said application on the ground of maintainability and with reference to Order XXI Rule 58 C.P.C.

4. According to the revision petitioner, she is in possession of the property and therefore, she is entitled to file an obstruction petition setting out all the relevant facts. When such an application is filed by an obstructor, the executing Court is bound to adjudicate upon the rights of the parties. Before proceeding with execution petition, the executing Court must decide the claim of the third party who asserts independent rights over the property.

5. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

17.02.2026

Index : Yes / No

Internet: Yes / No

trp

Note : Registry is directed to return the original documents if any filed by the revision petitioner.



To

II Additional District Munsif, Madurai Town



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N.SENTHILKUMAR, J.

Trp

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