



C.R.P.(MD) No.780 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.780 of 2026
and
CMP(MD) No.3570 of 2026**

M.S.Annaprabhu (Died)

1.K.Chakkaravarthi

2.S.A.Sivaraja Rishi

... Petitioners

vs.

1.Kandasamy Reddiar (Died)

Sennaiyappan Reddiar (Deid)

1.Marimuthu Krishnan

2.The then District Collector
Tirunelveli District
Presently the District Collector
Thoothukudi District.

3.Thimmu Reddiar

4.Subbiah

5.Chennaiah

6.Lakshmanan

... Respondents



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PRAYER: Petition filed under Section 115 of Civil Procedure Code, to call for the records relating to the Fair and Decretal order passed in E.A.No.11 of 2025 in E.A.No.7 of 2024 in E.P.No.80 of 2005 in O.S.No. 54 of 1971 dated 06-01-2026 on the file of the learned Subordinate Judge, Thoothukudi and set aside the same.

For Petitioners : Mr.D.Srinivasa Ragavan

For R2 : Mr.K.R.Badurus Zaman
Government Advocate

ORDER

A perusal of the papers shows that the Civil Revision Petitioners are third parties to O.S.No.54 of 1971 on the file of the learned Subordinate Judge at Thoothukudi.

2.The decree holder has presented E.P.No.80 of 2005 to execute the decree. In terms of Section 47, a third party to a decree cannot maintain an application with respect to discharge or satisfaction of the decree. A third party is entitled to obstruct a decree, when the warrant of delivery of possession is sought to be executed. In fact, as per Order XXI Rule 97 of the Code, it is only the decree holder or an auction purchaser, who are entitled to file an application for removal of obstruction. The Civil Revision Petitioners are not falling under any of



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the categories and hence, they are not entitled to maintain the application.

3.When this aspect was pointed out, Mr.D.Srinivasa Ragavan requests the permission of the Court to withdraw E.A.No.7 of 2024 itself, with a liberty to obstruct the decree, when the warrant of delivery is sought to be executed.

4.As the learned counsel requests the permission to withdraw E.A.No.7 of 2024, permission is granted with the aforesaid liberty he seeks.

5.The Civil Revision Petition is ordered in the above terms. The order passed by the passed by the learned Subordinate Judge, Thoothukudi in E.A.No.11 of 2025 in E.A.No.7 of 2024 in E.P.No.80 of 2005 in O.S.No.54 of 1971 dated 06.01.2026 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To
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1.The Subordinate Judge, Thoothukudi.

2.The then District Collector
Tirunelveli District
Presently the District Collector
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V. LAKSHMINARAYANAN, J.

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