



C.R.P. (MD) No. 1308 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 1308 of 2024
and
C.M.P. (MD) No. 7513 of 2024

1.Karudiayan

2.A.S.Mariappan

3.S.V.Mariappan

... Petitioners

-VS-

S.Muthaiah

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.04.2024 passed in E.A. No. 14 of 2024 in E.P. No. 31 of 2021 in O.S. No. 531 of 2009 on the file of the Principal District Munsif, Tirunelveli and allow the Civil Revision Petition and allow E.A. No. 14 of 2024 and dismiss E.P. No. 31 of 2021.

For Petitioners : Mr. T.Selvan

For Respondent : Mr. G.Prabhu Rajadurai



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ORDER

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This Civil Revision Petition challenges the order dated 02.04.2024 passed in E.A. No. 14 of 2024 in E.P. No. 31 of 2021 in O.S. No. 531 of 2009 on the file of the Principal District Munsif, Tirunelveli (hereinafter referred to as “Trial Court” in short).

2. The parties are hereinafter referred to as by the description in the proceedings in O.S. No. 531 of 2009 before the Trial Court for the sake of clarity and convenience.

3. Heard Mr. T.Selvan, Learned Counsel for the Petitioner and Mr. G.Prabhu Rajadurai, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

4. The suit in O.S. No. 531 of 2009 had been filed for declaration of title, permanent injunction and recovery of possession of the property from the Defendants. The relief as sought for had been granted by the Principal District Munsif, Tirunelveli by way of the Judgment and Decree dated 20.04.2015 in O.S. No. 531 of 2009, which was confirmed in the appeal by judgment and decree dated 21.02.2020 in A.S.No. 54 of 2015 passed by the Subordinate



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Judge, Tirunelveli, and also confirmed by this Court in the second appeal by judgment and decree dated 07.09.2021 in S.A. (MD) No. 498 of 2021 and also confirmed by the Hon'ble Supreme Court of India in the Special Leave Petition by judgment and decree dated 29.04.2022 in S.L.P (c) No. 7103 of 2022.

5. In the Execution Petition in E.P. No. 31 of 2021, the Defendants had raised an objection contending that the property had been transferred by the Plaintiff to his Wife by way of Settlement Deed dated 20.04.2021. In such circumstances, the decree was not executable. However, the Trial Court has rejected the said application by way of the impugned order.

6. The pivotal attack on the impugned order by the Learned Counsel appearing for the Petitioners is that when the Plaintiff had seized the right to transfer the property to a wife, the decree could not be executed. However, the Trial Court had rejected the application.

7. It is not possible for this case to sustain the said contention. It is a settled position of law that any transfer of property would be *lis pendens* subject to the result, in terms of the Transfer of Property Act, 1882, as rightly noticed by the Trial Court. That apart, Section 146 of the Civil Procedure Code, 1908



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expressly provides that a proceeding can be continued even by a person whom the property devolves after its pendency. Though the Wife has not been made as a party, it would not take away the right of the Husband / Plaintiff to execute the decree.

8. In view of the above, this Court does not find any infirmity in the Impugned Order passed by the Trial Court warranting interference in the exercise of its superintending jurisdiction under Article 227 of the Constitution of India. Since the suit is of the year 2009, it shall be ensured by the Trial Court that there is atleast one effective hearing every week showing progress of the case and monthly reports in that regard shall be sent to the Registrar (Judicial) of the Court till final orders are passed in the case.

In fine, the Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

21.01.2026

Index : Yes/No
NCC : Yes/No
Indu



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To

1. The District Munsif Court, Manamadurai.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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