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C.R.P. No. of 2440 of 20--



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

CORAM

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

CRP No.2440 of 2023 and CMP No.15229 of 2023

Mrs.Seetha Ram

... Petitioner

Vs.

1.A.Gunasekar

2.Leethiyal

... Respondents

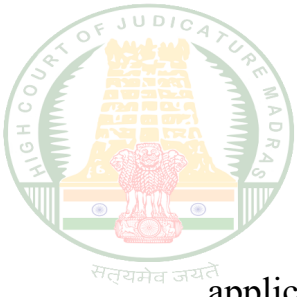
**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order passed on 10.07.2023 in Unnumbered EA ... of 2023 in EP No.7 of 2017 pending on the file of learned Additional District Judge at Chengalpattu.

For Petitioner : Mr.D.Parthasarathy

For Respondents : Mr.K.Ponraj

### ORDER

Heard Mr.D.Parthasarathy, learned counsel for the revision petitioner and Mr.K.Ponraj, learned counsel for the respondents.



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2. The revision is preferred challenging the dismissal of the application filed by the petitioner to get herself impleaded in the Execution Petition filed by the first respondent, against the second respondent.

3. Mr.D.Parthasarathy, learned counsel for the petitioner states that earlier, the revision petitioner had filed a suit against the second respondent in the year 2000 in O.S.No.446 of 2000 and the said suit was decreed exparte on 28.09.2007 and according to the learned counsel, the said decree has become final and no application has been filed by the second respondent to set aside the exparte decree or to challenge the same by way of preferring first appeal. However, in order to defeat the decree, according to the learned counsel for the petitioner, the second respondent has entered into a sale agreement with the first respondent collusively and a suit has been filed in O.S.No.9 of 2015 and a decree came to be passed which has now been put to execution, after the sale deed being registered in favour of the first respondent.

4. Learned counsel for the petitioner states that the second respondent cannot convey effective and valid title to the first respondent having suffered a decree in the suit filed by the petitioner. He would further state that

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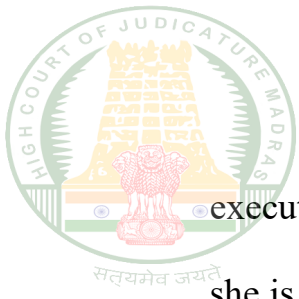
admittedly the revision petitioner is in physical possession of the property which is now sought to be recovered in the execution petition. He would therefore state that the petitioner was a proper and necessary party and the executing court ought not to have dismissed the impleading application.

5. Per contra, Mr.K.Ponraj, learned counsel for the respondents would bring to my notice that the petitioner has already filed a suit in O.S.,No.520 of 2024, which is pending before the Principal District Court, Chengalpet and that in the said suit, the defendants have also entered appearance and in the said suit, the petitioner challenges the decree passed in favour of the first respondent in O.S.No.9 of 2015. Therefore, he states that the petitioner is not a necessary party in the execution petition and the executing court has rightly dismissed the application filed under Order I Rule 10(2) of Civil Procedure Code and therefore prays for dismissal of the revision.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available onr ecord.

7. It is admitted fact that the petitioner now challenges the decree passed in O.S.No.9 of 2015 which is now put to execution. In the said

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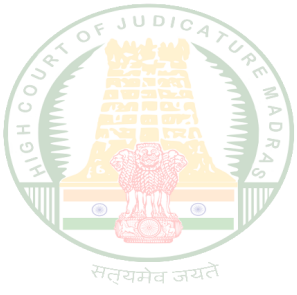


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execution petition alone, the petitioner sought to implead herself stating that she is a proper and necessary party. The executing court has rightly found, in my considered opinion, that the petitioner is not a proper and necessary party in the execution petition. At the same time, the petitioner, who is admittedly in physical possession of the property is entitled to obstruct to the execution of the decree under Order XXI Rule 47 of Civil Procedure Code. No such application has been admittedly filed as on date. However, on the contrary, the petitioner has chosen to file a separate civil suit and he challenges the judgment and the decree in O.S.No.9 of 2015.

8. In the light of the above, it would suffice to direct the learned Principal District Judge, Chengalpet to dispose of O.S.No.520 of 2024 on or before 31.07.2026.

9. Accordingly, the learned Principal District Judge, Chengalpet is directed to dispose of O.S.No.520 of 2024. In view of the liberty being granted to the petitioner to canvass all her claims and the objections in the civil suit filed by her, it is made clear that in future, it shall not be open to the petitioner to file any application under Order XXI Rule 97 of Civil Procedure Code,



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10. Till the disposal of O.S.No.520 of 2024, the execution proceedings shall be kept in abeyance and shall be proceeded subject to the decision of O.S.No.520 of 2024.

11. With the above observation, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2026

Neutral Citation: Yes/No  
Speaking Order/Non-speaking Order  
Index : Yes / No  
sr

To

The Principal District Judge,  
Chengalpet

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**P.B.BALAJI.,J**

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