



CRP(MD). No.312 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.312 of 2026

and

CMP(MD) No.1408 of 2026

Uma

... Petitioner

Vs

1.P.Karthikeyan

2.Poongulazhi

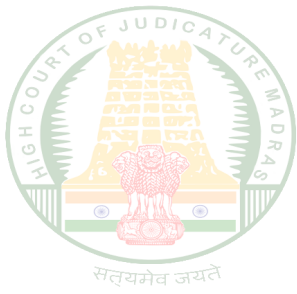
... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Executing Court to number the EA.SR.No.7071 of 2025 in EP.No.41 of 2022 in O.S.No.15 of 2016 on the file of the learned Sub Court, Ramanathapuram and to adjudicate the same on merits.

For Petitioner : Mr.G.Sridharan

ORDER

This Civil Revision Petition has been filed challenging the return made by the Executing Court in EA.SR.No.7071 of 2025 in EP.No.41 of



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2022 in O.S.No.15 of 2016 on the file of the learned Sub Court, Ramanathapuram.

2.The third party to O.S.No.15 of 2016 on the file of the Sub Court, Ramanathapuram, is the petitioner herein.

3.The first respondent/plaintiff had filed the above suit against the second respondent/defendant for the relief of declaration and recovery of possession. The suit came to be decreed on 24.11.2021. Subsequently, the first respondent had filed E.P.No.41 of 2022 and pending such EP., the petitioner, who is a third party to O.S.No.15 of 2016, claiming right over the property, had filed the present EA., seeking dismissal of E.P.No. 41 of 2022. However, the trial Court, without numbering the same, had repeatedly returned the said application on various grounds. Challenging the same, the present Civil Revision Petition has been filed.

4.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds of Civil Revision

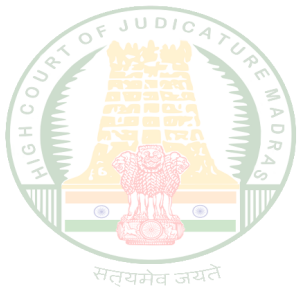


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Petition and called upon this Court to issue appropriate directions to the Court below to number the EA.,

5. Heard the learned counsel for the petitioner. Since no adverse orders are going to be passed in this petition against the respondents, notice to the respondents is dispensed with.

6. Perusal of record would reveal that the petitioner, who is a third party to O.S.No.15 of 2016, has filed an application claiming right over the property in question under Order 21 Rule 97 of C.P.C seeking dismissal of E.P.No.41 of 2022. Therefore, any order passed under this provision should only be construed to be a deemed decree under Order 21 Rule 103 of C.P.C. The Executing Court cannot conduct a roving enquiry with regard to the right of a third party, as it is the subject matter, which has to be decided in the suit. Since the third party cannot agitate his/her right in the execution proceedings, this Court is not inclined to entertain this petition.



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7. Even though the learned counsel for the petitioner would submit that during the pendency of the above application, the decree-holder with the assistance of the Police Officials broke open the premises of the petitioner and the Court Ameen had also sealed the same, it is for the concerned Court to consider and to agitate the same.

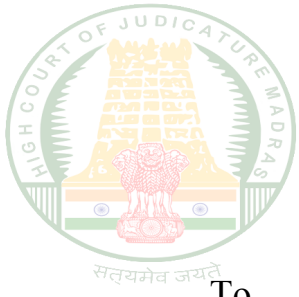
8. In such circumstances, the present Civil Revision Petition stands disposed of with liberty to the petitioner to file an application under Order 21 Rule 99 of CPC for protecting the interest of the petitioner. It is made clear that this Court has not considered the merits of the claim made by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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06.02.2026

Note :

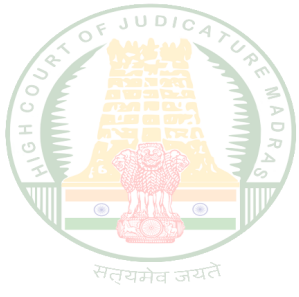
- i) Issue order copy on 09.02.2026***
- ii) Registry is directed to return the original documents, if any, after getting necessary acknowledgment from the learned counsel for the petitioner.***



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The Subordinate Judge, Ramanathapuram.



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N.SENTHILKUMAR, J.

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