

(1940) 10 MAD CK 0018
In the Madras High Court

Veerabhadra Pillai

APPELLANT

Vs

O.A. Narayanaswami Aiyar, Receiver and Others

RESPONDENT

Date of Decision : 25-10-1940

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 90

Citation : (1941) 1 MLJ 831

Hon'ble Judges : Abdur Rahman, J

Bench : Division Bench

Judgement

5. The only question to decide in this revision is whether the petitioner had a locus standi to present an application under Order 21, Rule 90, Civil

Procedure Code. There was a little doubt at one time as to what was actually sold in the execution of the decree and I called for a report on that

point. The learned District Judge has reported that the melwaram interest alone was sold and the proclamation of sale has also been sent which

shows the same. There is no doubt on that point now and this is conceded by the petitioner's learned Counsel.

6. The only question then is whether the petitioner who was a kudivaramdar could make an application objecting to the sale under Order 21, Rule

90, Civil Procedure Code. If his interests are those of a kudivaramdar, they cannot be, within the language of Order 21, Rule 90 Civil Procedure

Code, said to have been in any way affected by the sale of the melwaram interest. There is an observation in Adenna v. Chinna Ramayya (1927)

54 M.L.J. 445 : ILR 51 Mad. 770 which confirms me in my opinion.

7. The revision petition therefore fails and is dismissed with costs which will be shared by the decree-holder and the auction purchaser.