

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.29260/2019

[Arising out of impugned final judgment and order dated 03-07-2019 in CRPNPD No. 1987/2014 passed by the High Court of Judicature at Madras]

N. RAJARAM

Petitioner(s)

VERSUS

R. MURALI & ORS.

Respondent(s)

Date : 04-02-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Raghenth Basant, Sr. Adv.
Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.
Mr. Sugam Agrawal, Adv.
Ms. Hima Bhardwaj, Adv.

For Respondent(s) :Ms. N. S. Nappinai, Sr. Adv.
Mr. V. Balaji, Adv.
Mr. C. Kannan, Adv.
Mr. Nizamuddin, Adv.
Mr. B. Dhananjay, Adv.
Ms. Vidushi Aggarwal, Adv.
Mr. Rakesh K. Sharma, AOR

UPON hearing the counsel, the Court made the following
O R D E R

We find that the issue raised in this case was earlier considered by this Court but the two decisions rendered on the point by this Court are inconsistent. Raj Kumar vs. Sardari Lal & Ors. [(2004) 2 SCC 601] held to the effect that a third party to a decree can maintain an application under

Order 9 Rule 13 of the Civil Procedure Code, 1908, while the later judgment of this Court in Ram Prakash Agarwal & Anr. Vs. Gopi Krishan (Dead through Lrs) [(2013) 11 SCC 296] held to the contrary, without referring to the earlier judgment.

We are informed that later judgments of this Court followed the view taken in Sardari Lal (*supra*) but, again, without noting the later decision in Ram Prakash Agarwal (*supra*).

It would be proper and appropriate that the issue is settled comprehensively and once and for all by a larger bench decision so as to give a quietus to this legal conundrum.

We, accordingly, direct the matter to be placed before the Hon'ble The Chief Justice of India for referring this case to a larger Bench in the light of the conflict between the decisions of the two coordinate benches, as stated above.

Status quo order dated 15.07.2019 shall continue to operate till the next hearing.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(MANOJ KUMAR)
COURT MASTER (NSH)