



WEB COPY

CRP No. 623 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 623 of 2024
and CMP.No.3080 of 2024**

1. K.N. Marappasami (died), Dhanalakshmi
Residing at Ambi Naicker, Thottam,
Konamoolai Post, Sathyamangalam Tk.
2. Sathish Raj
Res. At Ambi Naicker, Thottam, Konamoolai
Post, Sathyamangalam Tk.

..Petitioner(s)

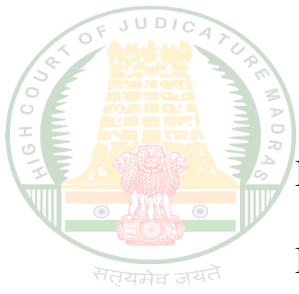
Vs

1. S.A. Munusamy Naidu (died) 1. S.M. Lakshmi
Narasimma
S/o. S.A. Munusamy Naidu, No.5/11,
Kotranakara St, Sathyamangalam Tk.
2. Renuka Devi
W/o. Sri Rangan, Res. At Palamalai Road,
Periyanaikenpalayam, Coimbatore.
3. Sasikala Rani
W/o. Manoharan, No.5/11, Kotranakara St,
Sathyamangalam Tk.
4. Lalitha Devi
W/o. Shyam Sundar, Iii Palghat Road,
Pollachi, Coimbatore, Ranganayaki (died).

..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order of the E.P.No.4 of 2012 in O.S.No.403 of 1988 on the file of the District Musnif Court, Sathyamangalam Dated 28.11.2023.



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For Petitioner(s):

MR.S.MUKUNTH SENIOR COUNSEL FOR
M/S.SARAVABHAUMAN ASSOCIATES
MS.CHITRA SAMPATH SENIOR COUNSEL
FOR MR.J. TITUS ENOCK

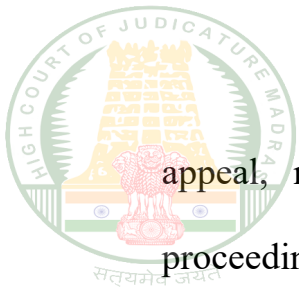
For Respondent(s):

ORDER

The order of delivery is under challenge by the judgment debtors. The revision petitioners are judgment debtors. They filed the revision stating that when the second appeal is pending before this Court in S.A. Nos. 1245 of 2012 and 1246 of 2012, the decree holders/respondents attempted to take delivery of the property. Therefore, they came forward with this revision to stay the operation of the execution proceedings in E.P. No. 4 of 2012 in O.S. No. 403 of 1988.

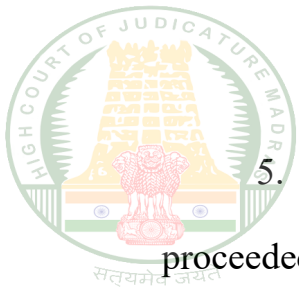
2. The learned counsel for the revision petitioners/judgment debtors submits that, challenging the first appellate proceedings, they preferred second appeals in S.A. Nos. 1245 of 2012 and 1246 of 2012 pending before this Court. Without considering the pendency of the second appeals, the Execution Court has ordered delivery of possession, which is erroneous. Hence, they prayed to stay the proceedings.

3. The learned counsel for the respondents raised strong objections stating that for nearly 10 years they have neither been inclined to proceed with the



appeal, nor have they obtained any stay order with regard to the suit proceedings. Based on the decree, the plaintiffs/respondents filed E.P. No. 4 of 2012 nearly 13 years back, and as on date, they have not been able to execute the decree. The proceedings were dragged on due to various interlocutory applications filed on the side of the judgment debtors/revision petitioners. Therefore, she raised objections. Further, she also submits that, as on date, police aid has been obtained to take delivery of possession through the Court of law, and at this stage, seeking to stay the proceedings is not acceptable in law.

4. Considering both submissions, the facts reveal that the revision petitioners preferred the appeals much earlier in the year 2012, and for nearly 15 years they have not been inclined to proceed with the said appeals, nor have they obtained any stay order. On the other hand, the original suit was filed in O.S. No. 403 of 1988 by the plaintiffs/original owners of the property for recovery of possession, and all these years, they have not been able to execute the decree. Moreover, after the disposal of the first appeal, the plaintiffs filed E.P. No. 4 of 2012, and since other applications were filed by the judgment debtors, they were not able to execute the decree. Now, they have obtained delivery of possession and, with the help of police aid, they want to take delivery of the property.



5. Admittedly, for nearly twelve years, the judgment debtors have not proceeded with the second appeals, which shows that they are not having a valid defence, and all their defences have been negated by the Courts below.

Furthermore, the suit is of the year 1988, the plaintiffs are the real owners, and most of them have become senior citizens. Considering the same, this Court is not inclined to entertain this revision. Accordingly, the revision is dismissed as devoid of merits. However, the learned counsel for the revision petitioners submits that all these years there was some contention between the parties, but it had not been considered by the Courts below.

6. However, considering the fact that, as on date, the original defendant has died and his widow is surviving, this Court is inclined to direct the respondent/plaintiffs to deposit a sum of Rs.1,50,000/- before the Execution Court within a week, and on such deposit, the judgment debtors/revision petitioners are permitted to withdraw the same. Accordingly, the revision is disposed of, and the execution proceedings are ordered to be proceed with. No costs. Consequently, the connected miscellaneous petition is closed.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA



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To

1. The District Musnif Court, Sathiyamangalam.

2. The Section Officer, VR Section, High Court, Madras.

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T.V.THAMILSELVI, J.

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