



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No.5276 of 2025
& CMP.No.26505 of 2025**

V.Santhamoorthy

..Petitioner

Vs

1.Sankunthala Ammal
2.M.Gopi
3.M.Raji
4.Kalavathi
5.Poongodi
6.V.Ravi
7.V.Sathiyamoorthy

..Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order dated 24.01.2025 in E.P.No.1 of 2019 in A.S.No.109 of 2011 on the file of the learned District Munsif cum Judicial Magistrate I, Wallajapet.

For Petitioner:

Mr.S.Kumara Devan

For Respondents:

R1 Died

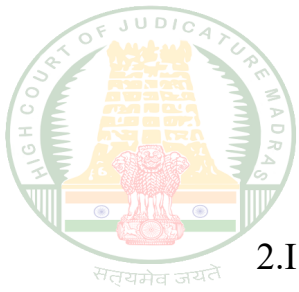
Mr.K.V.Ananthakrishnan for RR2 to 5

Mr.N.A.Nassir Hussain for R6

No appearance for R7

ORDER

This revision petition has been filed to set aside the order dated 24.01.2025 in E.P.No.1 of 2019 in A.S.No.109 of 2011 on the file of the learned District Munsif cum Judicial Magistrate I, Wallajapet.



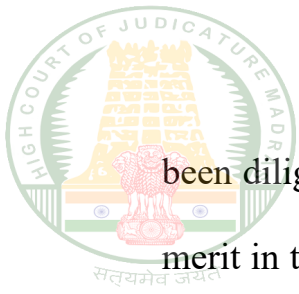
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2.I have heard Mr.S.Kumara Devan, learned counsel for the revision petitioner and Mr.K.V.Ananthakrishnan, learned counsel for the contesting respondents 2 to 5 and Mr.N.A.Nassir Hussain, learned counsel for the 6th respondent, who is only a formal party.

3.The learned counsel for the revision petitioner states that the revision has been filed, challenging the order of delivery passed by the Executing Court, on the ground that the petitioner has already approached this Court by filing a review petition, subsequent to the dismissal of the SLP by the Hon'ble Supreme Court.

4.However, the learned counsel for the contesting respondents 2 to 5 would state that the matter has attained finality even in the year 2019 and no liberty was granted by the Hon'ble Supreme Court, while dismissing the SLP, confirming the judgment of this Court in S.A.No.100 of 2015 as early as on 25.03.2019.

5.Though it is contended by the learned counsel for the petitioner that pursuant to the dismissal of SLP, a review application has been filed in Rev.Appl.SR.No.118725 of 2019, admittedly, the matter having attained finality in March 2019, there is no stay granted in review petition. The petitioner has not



been diligent to prosecute the review application and therefore, I do not see any merit in the revision petition. There is no infirmity in the order of the Executing Court, ordering delivery, to enable the respondents to enjoy the fruits of the decree, especially considering the fact that the suit is of the year 2007. Hence, I do not find any merit in the revision. However, to enable the petitioner to get suitable interim orders in the pending review application, the delivery warrant shall be kept in abeyance till 20.09.2026. If there is no interim stay obtained by the petitioner in the meantime, the Executing Court shall proceed to execute the delivery warrant.

6.The Civil Revision Petition is dismissed with the above direction. No costs. Connected Civil Miscellaneous Petitions are also closed.

02.09.2026

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

To

The District Munsif cum Judicial Magistrate I, Wallajapet.



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P.B.BALAJI, J.

ATA

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