



WEB COPY

CRP No. 2439 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP NO. 10404 OF 2026

in

CRP No. 2439 of 2026

R. Sivakumar
S/o Ramachandran,
No 48/133, Arasamara Street,
Tiruvannamalai Dist.
Renu Chettiar(Died)

..Petitioner(s)

Vs

1. Deivanai
D/o Doraisamy Naidu,
Res at No 183, VOC Nagar,
Chengam Road,
Tiruvannamalai.
Cureently res at
No.654/112, Kamarajar Nagar,
Vettavellam Road, Kilnathur,
Tiruvannamalai 606 601.
Vasanthammal (Died)
2. Rani
D/o Doraisamy Naidu,
Res at No 183, VOC Nagar,
Chengam Road,
Tiruvannamalai.
Cureently res at
No.654/112, Kamarajar Nagar,
Vettavellam Road, Kilnathur,
Tiruvannamalai 606 601.
3. Saraswathi
D/o Doraisamy Naidu,
Res at No 183, VOC Nagar,



Chengam Road,
Tiruvannamalai.
Cureently res at
No.654/112, Kamarajar Nagar,
Vettavellam Road, Kilnathur,
Tiruvannamalai 606 601.

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..Respondent(s)

R. Sivakumar
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..Respondent(s)

CMP No. 10404 of 2026

To grant an order of interim stay of all further proceedings including execution of the order of delivery in EP No.259 of 2009 on the file of the learned District Munsif Cum Judicial Magistrate at Kilpennathur pending disposal of the present CRP.

CRP No. 2439 of 2026

To set aside the fair and decreetal order passed by the District Munsif cum Judicial Magistrate of Kilpennathur, dated 09.04.2026 in EA NO.3 of 2025 in EP No.259 of 2009 in OS No.756 of 1987 and pas such further or other orders as deemed fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.P.Valliyappan
for
M/S.PV Law Associates
B. Ayyappan
Hareesh K.M
Arunmozhi Devan

For Respondent(s): -

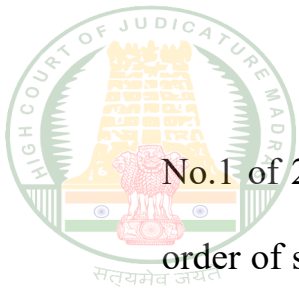
Order

The petitioner purchased the property from the decree holder in OS No.54 of 2009, in whose favour the sale deed was executed by the Court in



EP No.86 of 2011 and delivery of possession was also given. The respondent filed a suit in OS No.756 of 1987 against the predecessor in title of the petitioner's vendor. The suit was dismissed and the appeal filed by the respondent in AS No.66 of 2004 was allowed. Against the same, the predecessor in title of the petitioner's vendor viz., Renu Chettiyar preferred a Second Appeal in SA No.1156 of 2011 and in the said Second Appeal, an order of status quo was granted, subject to delivery not being effected already. Pending the Second Appeal, the said Renu Chettiyar Died. The respondent filed EP No.259 of 2009, against Renu Chettiyar for delivery of Possession. Since Renu Chettiyar died, the petitioner filed a petition in EA No.3 of 2025 to implead himself in the Execution proceedings, since he was in possession of the property. However, the said EA was dismissed. Aggrieved by the same, the petitioner preferred this Civil Revision Petition.

2. The learned counsel for the petitioner submitted that the Executing Court erred in treating the petitioner's application for impleading himself, as if the application was filed in the capacity of a legal heir / representative of the deceased Renu Chettiyar, over looking that the petitioner claimed independent right over the subject property as a purchaser of the same from Pon Saravanan, in whose favour the sale deed was executed by the Court below in EP No.86 of 2011 in OS No.54 of 2019. The learned counsel also submitted that an earlier attempt by the respondent to take delivery of the property in EA



No.1 of 2022, was rejected by the Executing Court in the view of the interim order of status quo ordered by this Court in MP No.1 of 2011 in SA No.1156 of 2011. Under the circumstances the counsel prayed for an interim stay as otherwise, the petitioner would be dispossessed of the property.

3. This Court finds that *prima facie* case has been made out and hence, there shall be an order of interim stay.

4. Notice to the respondents through Court as well as privately returnable by 09.06.2026.

20-04-2026

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

RKA

To
The .District Munsif Cum Judicial Magistrate at Kilpennathur



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N.MALA J.

RKA

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