

m., IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

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

**CRP No. 6227 of 2025 and
CMP No.30709 of 2025**

1. Kalpanadevi
W/o.Karmegam, No.52/55, Tank Bund Road,
Otteri, Perambur Barracks, Chennai 600 012.
2. Lingeswari
D/o.Karmegam, No.52/55, Tank Bund Road,
Otteri, Perambur Barracks, Chennai 600 012
3. Suryanarayanan
S/o.Karmegam, No.52/55, Tank Bund Road,
Otteri, Perambur Barracks, Chennai 600 012

..Petitioner(s)

Vs

1. **Anjalai, W/o.Subramanian, (Died)**
2. Vasanthi, W/o. Elangomani, No.41/G,
Poovaragan Nagar, Junction Road,
Virudhachalam District
3. Prabha, W/o. Ramesh, Mariyamman Kovil
Street, Poolambadi Village, Veppur Taluk,
Cuddalore District.
4. Manikandan, S/o. Subramanian, Mariyamman
Kovil Street, Poolambadi Village, Veppur
Taluk, Cuddalore District.

***(R2 to R4 already on record as L.Rs of the
deceased R1, viz. Anjalai, vide order of court
dated 10.07.2026 made in Memo Sr.50520
dated 15.12.2025 in CRP No.6227 of 2025)***



5. Kanimozhiyal, D/o. Karuppan, New Aziz Nagar, Edaikkal, Ulundurpet Taluk, Kallakurichi District.

6. Ramanan
S/o. Karuppan, New Aziz Nagar, Edaikkal, Ulundurpet Taluk, Kallakurichi District.

7. Jothivel
S/o. Karuppan, New Aziz Nagar, Edaikkal, Ulundurpet Taluk, Kallakurichi District.

8. Manikandan
S/o. Iyyappan, New Aziz Nagar, Edaikkal, Ulundurpet Taluk, Kallakurichi District.

9. Mani
S/o. Murugan, Poolambadi Village, Veppur taluk, Cuddalore District

10. Chinnapillai
W/o. Durgaiyan, N.Naaraiyur Village, Veppur via, Virudhachalam Taluk, Cuddalore District.

11. Kalanjiammal
W/o. Veerasamy, Mettu Colony, Virudhachalam Taluk, Cuddalore District.

12. Silothamai
W/o. Nainaar, West Street, Ramanathapuram Village, Poolambadi, Veppur Taluk, Cuddalore District..

13. Gajendran
S/o. Nainaar, West Street, Ramanathapuram Village, Poolambadi, Veppur Taluk, Cuddalore District..

14. Dhatchiyani
D/o. Nainaar, West Street, Ramanathapuram Village, Poolambadi, Veppur Taluk, Cuddalore District.
.. Respondents



Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order of returning the petition as not maintainable in E.A.Sr.No.3871/2025 in E.P.No.19/2023 in O.S.No.23/2012 dated 17.11.2025 on the file of Principal District Munsif, Viruchachalam.

For Petitioner(s): Mr. G.Suryanarayanan

For Respondent(s): R1 - Died

Mr .Ashwinivaidialingam for R2 to R4

ORDER

This civil revision petition has been filed to set aside the order, returning the petition as not maintainable by order dated 17.11.2025 in E.A.Sr.No.3871 of 2025 in E.P.No.19/2023 in O.S.No.23/2012 on the file of Principal District Munsif, Viruchachalam.

2. The petitioners herein are the legal heirs of one Karmegam, the 1st defendant in the above said suit, filed by one Subramanian/sole plaintiff, seeking recovery of possession of the suit property. The suit was decreed in favour of the plaintiff. After demise of the sole plaintiff, his legal heirs filed E.P.No.19 of 2023 to execute the decree passed in the suit. The said execution petition was allowed on 15.07.2025, directing the senior bailiff to take possession of the suit property from the respondents and deliver the same to the



petitioners. Subsequently, delivery of possession of the suit property to the decree holders was recorded on 18.11.2025. In such circumstances, the legal heirs of the 1st defendant/ Karmegam have filed E.A.Sr No.3871 of 2025 on 18.11.2025 seeking an order of stay of the execution proceedings in E.P.No.19 of 2023. The Execution Court dismissed the said application as not maintainable, holding that possession of the suit property was already handed over to the decree holders. Challenging the above said order, the present civil revision petition has been filed.

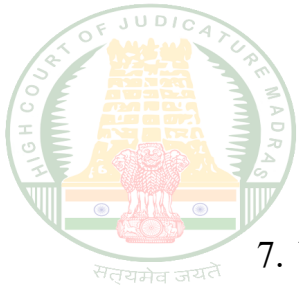
3. Heard Mr.G.Suryanarayanan, learned counsel for the petitioner and Mr.Prashanth, learned counsel for the contesting respondents 2 to 4.

4. The learned counsel for the petitioners states that though the suit was dismissed as against the 1st defendant, mischievously, the decree was sought to be executed as against the L.Rs of the 1st defendant. Pointing out the differences in the names of the parties in the decree as well as the execution proceedings, it is the contention of the learned counsel for the petitioners that fraud has been played by the decree holders. The further claim of the petitioners is that they are the actual legal representatives of the 1st defendant and they continued to be in possession of the suit property. The application taken out by them, questioning the execution of the decree has been dismissed, against which, this civil revision petition has been filed.



5. Per contra, learned counsel for the respondents 2 to 4 states that the first defendant, even during his life time, way back in the year 2004, had sold the suit property in and by way of a registered document in favour of the 7th defendant, who contested the suit on merits and therefore, it is no longer open to the legal heirs of the first defendant to seek any claim or interest in the subject property. It is further submitted by him that pursuant to the decree passed against the defendants 1 to 7, execution petition has been filed and possession has been taken and the execution proceedings have also been terminated.

6. This court, cannot go into the factual counter claims made by the petitioners that they continue to be in possession of the subject property, despite the court Bailiff having recorded the factum of taking over possession and handing over to the decree holders. However, it is made clear that that if the petitioners alleged any foul play or wrong doing by the respondents/decreed holders, it is always open to them to agitate their claims in independent proceedings, which according to the learned counsel for the respondents 2 to 4, they have already instituted a suit in O.S.No.442 of 2025 and the same is pending on the file of Sub Court, Virudhachalam. It is made clear that the termination of the execution proceedings shall not come in the way of the petitioners, pursuing their legitimate grievances in the pending suit before the Sub Court, Virudachalam.



7. With the above observations, this civil revision petition is dismissed.

There shall be no order as to costs. Connected miscellaneous petition is closed.

10-07-2026
(2/2)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Principal District Munsif, Virudhachalam.



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P.B.BALAJI, J.

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