



CRP(MD). No.3958 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3958 of 2025

and

CMP(MD) No.20654 of 2025

1.Parimaladevi

2.Muthuveeramani

3.Selvam

... Petitioners

Vs

1.Rajaram

2.Sethuram

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of CPC., to set aside the fair and ex order dated 29.10.2025 made in E.A.No.6 of 2025 in E.P.No.50 of 2025 in O.S.No.52 of 2009 on the file of the Sub Court, Uthamapalayam.

For Petitioners : Mr.B.Arun



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ORDER

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This Civil Revision Petition is filed challenging the order dated 29.10.2025 made in EA No.6 of 2025 in EP No.50 of 2025 in OS No.52 of 2009 on the file of the learned Subordinate Judge, Uthamapalayam.

2.The third parties to O.S.No.52 of 2009 on the file of the Subordinate Court, Uthamapalayam, are the petitioners herein.

3.The first respondent herein/plaintiff had filed a suit in O.S.No.52 of 2009 on the file of the Subordinate Court, Uthamapalayam, against the second respondent herein/defendant for recovery of money. The said suit was decreed on 04.01.2017. Since the second respondent/defendant failed to pay the decree amount, the first respondent/decreed holder had filed E.P.No.50 of 2009 for auctioning the suit schedule property for the value of the decree amount. In the auction sale conducted by the Court below, the first respondent / plaintiff was the successful bidder and a sale certificate was also issued in his favour on 03.06.2024 and after completing all the formalities, the said EP was closed on 14.06.2024. When the Court Amin tried to hand over the possession of the property to

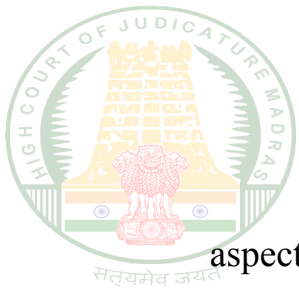


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the first respondent/plaintiff, the petitioners/third parties claiming right over the property obstructed delivery of possession. Therefore, the first respondent/plaintiff had filed E.A.No.5 of 2025 under Order 21 Rule 97 and Section 151 of C.P.C, for delivery of possession, by removing the obstructors/the petitioners herein/third parties. The trial Court, after considering the submissions on either side, had ultimately allowed the application in order to execute the delivery of possession to the first respondent/plaintiff/decreed holder, due to which, the petitioners are liable to be evicted from the scheduled property. Challenging the same, the present Civil Revision Petition has been filed.

4.It is the main contention of the learned counsel for the petitioners that the property originally belonged to one Karuppaiya, who had three sons, namely, i) Sethuram/the defendant, ii) Rajaram/the plaintiff and iii) Raghuraman. The aforesaid three persons have executed a sale agreement in favour of the petitioners' father, namely, Ganesan, on 19.05.1999 and from 1999 onwards, the petitioners have been in continuous possession and enjoyment of the property. However, without considering all these



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aspects, the trial Court, had erroneously allowed the application, which warrants interference of this Court.

5.Heard the learned counsel for the petitioners. Since no adverse order is going to be passed as against the respondents in this Civil Revision Petition, notice to the respondents is dispensed with.

6.Admittedly, the first respondent had filed a suit in O.S.No.52 of 2009 for recovery of money. The said suit was decreed on 04.01.2017. Subsequently, the first respondent had filed E.P.No.50 of 2009 and the same was closed on 14.06.2024. Since the petitioners/third parties, claiming right over the property, obstructed delivery of possession, the first respondent had filed E.A.No.6 of 2025 for delivery of possession, which was also allowed, vide order dated 29.10.2025.

7.It is to be noted that when there is a title dispute between the parties with regard to a property; and the parties, claiming title, have not been arrayed as parties to such a *lis* and when an order is passed in such an application, there is no impediment for them to agitate their rights by



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way of filing a separate suit. As such, the present Civil Revision Petition is not maintainable.

8.In such circumstances, the present Civil Revision Petition is not maintainable and is accordingly, dismissed. It is made clear that this Court has not considered the merits of the claim made by the petitioners. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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07.01.2026

To

The Subordinate Judge, Uthamapalayam.



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N.SENTHILKUMAR, J.

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