



WEB COPY

CRP No. 4775 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

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

**CRP No. 4775 of 2026
and CMP.No.20931 of 2026**

A.Karthik Kumar
Representing as Power Agent of
Shyamala W/o. Late Selvarajan
Devasena D/o. Late Selvarajan
Sarparajan S/o.Late Selvarajan

..Petitioner(s)

Vs

1. A.S.Arumugam
2. P.S.R.Sathiyamurthy
3. T.Sethuraman

..Respondent(s)

Prayer: Civil Revision petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.07.2026 passed in the unnumbered Execution Application (SR No.4885/2026) in EP No.100/2025 in OS No.13/2024 on the file of the Sub Court, Panruti and number the Execution Application.

For Petitioner(s):

Mr.Sarath Chandran
for Mr.N.R.Sai Gautham

For Respondent(s):

Mr.Kaithaimalai Kumaran
for Mr.P.Kannan Kumar



ORDER

WEB COPY

Heard Mr.Sarath Chandran, learned counsel appearing for the petitioner and Mr.Kaithaimalai Kumaran, learned counsel appearing for the first respondent caveator.

2. The revision petitioner is aggrieved by the rejection of the E.A.Sr.No.4885 of 2026 in E.P.No.100/2025. The said application was filed under Order 21 Rule 97 seeking a direction to obstruct to the execution of the decree in favour of the respondents.

3. The grievance of the petitioner is that even without hearing the learned counsel and giving an opportunity to put forth the petitioner's contention as to why the decree is not executable and without noticing the valuable rights put forth in the said claim petition, the Executing Court has proceeded to dismiss the said application at the maintainability stage itself.

4. Mr.Sarath Chandran, learned counsel also pointed that the Executing Court has put the dismissal of the Section 47 of CPC against the petitioner.

5. Mr.Kaithaimalai Kumaran, learned counsel for the respondents would state that the Executing Court had rightly gone into the merits of the objections

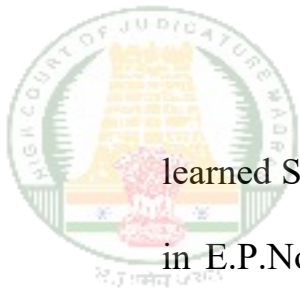


taken out in the application filed under Section 47 and finding that there is no merits in the application and proceeded to dismiss it at the SR stage and no infirmity is there in the said order.

6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. Admittedly, the petitioner has objected to the execution of the sale deed in favour of the respondents, claiming an independent right and title, which has to be necessarily adjudicated under Order 21 Rule 97 of CPC. The scope of Section 47 of CPC is with regard to executability of the decree is entirely different from the scope of Order 21 Rule 97 of CPC. Without noticing the difference, the Executing Court has erroneously dismissed the application filed under Section 47 of CPC and has summarily dismissed the Order 21 Rule 97 application, without even numbering the said application. The remedy available to an objector under Order 21 Rule 97 of CPC has to be necessarily tested under Order 21 Rule 97 read with Order 21 Rule 101 of CPC and cannot be scuttled summarily. In fact, it cannot be adjudicated by way of a separate suit as well. In such circumstances, the Executing Court has clearly fell in error in not numbering the application and rejecting it at the maintainability stage.

9. For the foregoing reasons, I am inclined to set aside the order of the



learned Sub Judge, Panruti dated 21.07.2026 passed in E.A.SR.No.4885 of 2026 in E.P.No.100 of 2025. The application under Order XXI Rule 97 of CPC in E.A.SR.No.4885 of 2026 shall be numbered, and after giving an opportunity to the respondents/decreed holders to file counter, due enquiry shall be conducted in the application. The learned Sub Judge, Panruti, shall dispose of the application on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

10. Accordingly, the civil revision petition is disposed of. No costs. Connected Civil Miscellaneous Petition is closed.

06-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DPQ

Note: Issue order copy on 10.08.2026.



WEB COPY

CRP No. 4775 of 2



P.B.BALAJI, J.

DPQ

CRP No. 4775 of 2026

06-08-2026