



WEB COPY

CRP No. 5353 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

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

CRP No. 5353 of 2025

K.Saravanan, S/o.Kannan,
Anna Nagar, Ponnankuppam, Vikravandi,
Villupuram - 605 652.

..Petitioner(s)

Vs

1. P.Ayinu, S/o.Puthira Gounder, No.225
Draupadi Amman Koil Street, Ponnankuppam,
Vikravandi, Villupuram Dist - 605 652.
2. A.Sundaramurthy, S/o.Athimoolam, Murugan
Koil Street, Ponnankuppam, Vikravandi,
Villupuram Dist - 605 652.
3. Gnanasekar, S/o.Sundaramurthy, Murugan Koil
Street, Ponnankuppam, Vikravandi,
Villupuram Dist - 605 652.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 19-06-2025 made in EA.No.34 of 2024 in EA.No.14 of 2024 in EP.No.80 of 2020 n OS.No.475 of 1998, on the file of the Learned District Munsif cum Judicial Magistrate, Vikravandi by allowing the CRP.

For Petitioner(s):

Mr. Prabhu C.

For Respondent(s):

Mr.D.Mohammed Asan for R1

E.N. Suresh For R3

No appearance for R2



ORDER

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Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner is a purchaser, who preferred an application, intending to obstruct the execution of decree, invoking Order XXI of CPC. The said application has been enquired into on merits and disposed of by the execution court, allowing the application in favour of the respondent, which is challenged by the petitioner in this civil revision petition.

3. The learned counsel for the respondent, at the first instance, would point out that the revision itself is not maintainable, as the order passed by the executing court is appealable under the provisions of CPC. The learned counsel for the petitioner, however states that the revision petition was filed under under Article 227 of the Constitution India and only at the insistence of the Registry, it was converted as revision under Section 115 of CPC as. Be that as it may, when the order passed under Order XXI Rule 97 CPC is appealable under the provisions of the CPC, neither the revision under Article 227 of the Constitution of India nor a revision under Section 115 of CPC would lie. However, considering the fact that the petitioner has been agitating his grievances by way of filing this civil revision petition before this court for the last one year and



more, I am inclined to dismiss the civil revision petition in the following manner:-

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i) This civil revision petition is dismissed.

ii) However, if the petitioner chooses to prefer a regular statutory appeal, as provided under the provisions of CPC, within a period of four weeks from the date of receipt of copy of this order, limitation shall not be put against him and the appeal shall be taken up and disposed of on its own merits, as expeditiously, after hearing the respondents.

iii) The original documents filed in this revision shall be returned to the counsel for the petitioner by the Registry, within a period of week from the date of receipt of copy of the order, enable the petitioner for filing of the same along with the appeal.

There shall be no order as to costs.

14-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The District Munsif and Judicial Magistrate,
Vikravandi.



WEB COPY

CRP No. 5353 of 2



P.B.BALAJI, J.

MST

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