



WEB COPY



CRP No. 6439 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6439 of 2025 and CMP No.31847 of 2025

1. Krishnamurthy
S/o. Karuppaiya Konar, P.Kondagai
Village, Thittachery, Nagapattinam District
and Taluk, Rep. by its Power Agent,
Ananthi, w/o. Sowrirajan, 35, Etta Theru,
Thirumalairayanpattinam, Karaikal District.

Petitioner(s)

Vs

1. P.M.K.Jafar Sadiq
S/O. P.M. Kamaluddin, 6/10, Perumal
Sannathi Street, P.Kondagai Village,
Thittachery, Nagapattinam District and
Taluk. Now residing at 22, Flat No.20,
Kakarina Street, Neyveli - 3, Cuddalore
District.

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the order dated 04.11.2025 made in EP No.55 of 2022 in O.S.No.38 of 2006 on the file of Sub Court, Nagapattinam.

For Petitioner(s): Ms.G.Priyadharshini

For Respondent(s): Mr.C.Ramaraj



CRP No. 6439 of 2023

WEB COPY

ORDER

Heard Mr.G.Priyadharshini, learned counsel for the petitioner and Mr.C.Ramaraj, learned counsel for the respondent.

2. The petitioner challenges the order of the delivery of possession in E.P.No.55 of 2022 on the file of Sub Court, Nagapattinam. According to the learned counsel for the petitioner, the respondent, as plaintiff, has filed a suit in O.S.No.38 of 2006 for Specific Performance of an agreement of sale. Though the said suit was decreed on 17.09.2008, first execution petition came to be filed in E.P.No.21 of 2014. The prayer sought for in the said Execution Petition was only for execution of a sale deed in favour of the respondent/deGREE holder. The said Execution Petition came to be allowed, after contest, only on 08.11.2021, pursuant to which, the sale deed came to be executed on 14.02.2022. Thereafter, the respondent filed the present E.P.No.55 of 2022 for recovery of possession having become owner of the property.

3. Learned counsel for the petitioner states that the execution petition filed in EP No.55 of 2022 is clearly beyond the statutory period of 12 years and hence the same



CRP No. 6439 of 2023

ought not to have been entertained as being maintainable by the executing Court and therefore the learned counsel prays for the revision being allowed and the order of the executing court being set aside.

4. Per contra, learned counsel for the respondent contends that only after becoming the owner of the suit property, the fresh cause of action arose for the respondent to seek delivery of possession in view of the first execution petition E.P.No.21 of 2014 being allowed in the year 2021 and the sale deed itself having been executed in his favour on 14.02.2022, the second execution petition filed on 02.08.2022 was well within the time and the same has been rightly facted by the executing court while ordering delivery.

5. I see force in the submissions of the learned counsel for the respondent. The decree passed in the suit for Specific Performance on 17.09.2008 was directing the defendant to execute the sale deed in respect of the suit property in favour of the plaintiff within a period of fifteen days from the date of receipt of balance sale consideration. The plaintiff was directed to pay the balance sale consideration within one month from the date of decree i.e., 17.09.2008. The plaintiff was also entitled to a decree for costs of Rs.26,541/-.



CRP No. 6439 of 2023

WEB COPY

6. Admittedly, within a period of 12 years, having having deposited the balance sale consideration, the plaintiff sought to execute the decree and the sale deed was executed in favour of the respondent. The decree does not speak about recovery of possession which is only a consequential prayer that has been sought for, having become the owner of the property, pursuant to sale deed having been executed in favour of the respondent.

7. In such view of the matter, I am unable to countenance the arguments of the learned counsel for the petitioner that the second execution petition file din EP No.55 of 2022 is time barred. The executing Court has rightly discussed the objections raised by the petitioner and proceeded to over rule the same and ordered delivery of possession.

8. I do not see any infirmity committed by the executing Court warranting interference in this Revision.

9. In the result, this Court finds no merits in this revision. Accordingly, the civil revision petition is dismissed. The petitioner shall vacate and hand over vacant



CRP No. 6439 of 2023

possession by 30.09.2026. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

03.07.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Sub Court, Nagapattinam



WEB COPY



CRP No. 6439 of 2025

P.B.BALAJI.,J

sr

CRP No. 6439 of 2025

03.07.2026