



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1730 of 2026
and C.M.P(MD).No.8319 of 2026**

1.Vincent

2.Manju

... Petitioners

Vs

1.Rajam

2.Singh

3.Rethinadhas

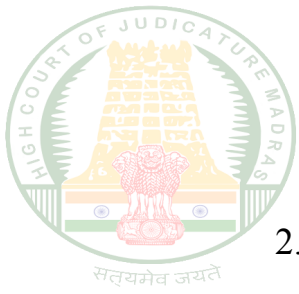
... Respondents

Prayer: Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order dated 01.04.2026 passed by the learned Principal District Munsif, Kuzhithurai, passed in E.A.No.10 of 2025 in E.P.No.45 of 2018 in O.S.No.113 of 2014 by allowing this civil revision petition.

For Petitioners : Mr.S.Sivakumar

ORDER

The civil revision petition is filed challenging the order passed by the Executing Court dismissing the execution application filed by the petitioners/ third party Claimants seeking stay of all further proceedings in main execution petition in E.P.No.45 of 2018.



WEB COURT

2.The first respondent herein filed a suit against the second respondent in O.S.No.113 of 2014 seeking recovery of arrears of maintenance. The said suit was decreed on 25.04.2016. Thereafter, the first respondent herein filed execution petition against the second respondent in E.P.No.45 of 2018. In the said execution petition, the first petitioner/ third party filed a claim petition in E.A.No.1 of 2019. According to him, he purchased the property from the third respondent on 10.03.2016 and he was a *bona fide* purchaser. It is also seen from the affidavit that the third respondent purchased the property from the second respondent vide sale deed dated 21.05.2014. The suit appeared to have been filed on 22.03.2014 itself. Therefore, both the first petitioner and the third respondent are *lis pendens* purchasers. The claim petition filed by the first petitioner was dismissed for default and hence, he filed E.A.No.6 of 2022 seeking to restore the claim petition. The said restoration application was dismissed by the Executing Court. Aggrieved by the same, the first petitioner is said to have filed an appeal in C.M.A.No.(Filing) 531 of 2025. Since the first respondent proceeded with the execution petition, the instant application in E.A.No.10 of 2025 has been filed seeking stay of all further proceedings in EP, pending disposal of above mentioned CMA. The Executing Court, by impugned order, dismissed the application seeking stay. Aggrieved by the same, the petitioners have come before this Court.



WEB COPY3. The learned counsel appearing for the petitioners submitted that if the first respondent is allowed to proceed with the main execution petition pending CMA filed by the first petitioner, he would be put to irreparable loss and hardship. Hence, an order of interim stay is sought.

4. Admittedly, aggrieved by the dismissal of restoration application, the petitioner has preferred an appeal in C.M.A.(filing)No.531 of 2025. Therefore, it is for the petitioner to approach the Appellate Court and seek an order of stay of further proceedings in the execution petition. Instead of moving the stay petition before the Appellate Court, the petitioner is not entitled to move the Executing Court. The Executing Court, being an inferior forum, cannot grant stay of proceedings pending appeal before the superior forum. I do not find any error in the impugned order. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

3/5



WEB COPY

To

1.The Principal District Munsif, Kuzhithurai.

2.The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.



WEB COPY



S. SOUNTHAR.J.

Rmk

C.R.P(MD).No.1730 of 2026

08.07.2026