



CRP(MD). Nos. 1974 & 1975 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.07.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

CRP(MD). Nos.1974 & 1975 of 2026

and

C.M.P.(MD) No.9405 of 2026

CRP(MD).No.1974 of 2026

V. Rajamony

... Petitioner

Vs

1. Vinoth Kumar,

2. Christopher Jayanthi

3. Jeyasudha

4. Jeyalovelvy

... Respondents

PRAYER in CRP(MD).No.1974 of 2026 :- Civil Revision Petition filed under article 227 of the Constitution of India to set aside the docket order dated 08.07.2026 for returning the Execution Application filed for reopen the Execution Petition in Unnumbered E.A.No. of 2026 filed on 4.7.2026 in E.P.No. 35 of 2010 in O.S.No. 48 of 2004 on the file of the



CRP(MD). Nos. 1974 & 1975 of 2026

Learned Sub-ordinate, Judge, Kuzhithurai and consequently direct the Learned Sub-ordinate, Judge, Kuzhithurai to take on the Execution Application on file by number the Execution Application and pass such further or other orders as deem and fit in the nature and circumstances of the case by allowing this Civil Revision Petition and thus render justice.

CRP(MD).No.1975 of 2026

Rajamony

... Petitioner

VS

1. Vinoth Kumar,
2. Christopher Jayanthi
3. Jeyasudha
4. Jeyalovelty

... Respondents

PRAYER in CRP(MD).No.1975 of 2026 :- Civil Revision Petition filed under article 227 of the Constitution of India to set aside the docket order dated 08.07.2026 for returning the Execution Application filed for stay all further proceedings of the Execution Petition in Unnumbered E.A.No. of 2026 filed on 4.7.2026 in E.P.No. 35 of 2010 in O.S.No. 48 of 2004 on the file of the Learned Sub-ordinate, Judge, Kuzhithurai and consequently direct the Learned Sub-ordinate, Judge, Kuzhithurai to take on the Execution Application on file by number the Execution



CRP(MD). Nos. 1974 & 1975 of 2026

Application and pass such further or other orders as deem and fit in the nature and circumstances of the case by allowing this Civil Revision Petition and thus render justice.

(In both cases)

For Petitioner : Mr. V.Sasikumar

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the courts below returning the application filed by the petitioner seeking to reopen the E.P.No.35 of 2010, which was already terminated and also seeking to stay of all further proceedings pursuant to the order for police help.

2.It is not in dispute that one John, the predecessor in interest of the Respondent Nos. 2 to 4, filed a suit for recovery of money and obtained a decree. Thereafter, he filed Execution Petition No. 35 of 2010 on the file of the Subordinate Court, Kuzhithurai, seeking execution of the decree for recovery of the decretal amount. In the said execution

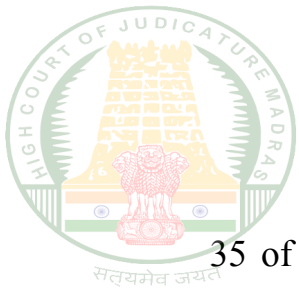


CRP(MD). Nos. 1974 & 1975 of 2026

petition, the property in S.No.591/8 situated in Anducode Village, Kanayakumari District was attached and brought to sale. The property was sold in Court Auction and the 1st respondent herein purchased the same.

3. It is further stated that the Execution Petition was terminated on 16.03.2018. Now, the instant applications have been filed by the petitioner mainly on the ground that the first respondent who purchased the property in S.No.591/8 attempting to take possession of the property of petitioner's son and daughter situated in S.No.591/19B. Hence, these applications were filed to reopen the Execution Petition and to stay further proceedings pursuant to the order for police help. These two applications were returned by the Executing Court on the ground that the sale was confirmed, and the sale certificate was also issued and the said EP was terminated on 16.03.2018 itself. Aggrieved by the same, the petitioner has come before this court.

4. The learned Counsel appearing for the petitioner would submit that the first respondent filed application in E.A.No.2 of 2024 in E.P.No.



CRP(MD). Nos. 1974 & 1975 of 2026

35 of 2010 for delivery of some other property not covered by the sale certificate. Therefore, the instant applications have been filed. It is also stated that the first respondent attempting to interfere with the possession of the petitioner's son and daughter who are all the real owners of the property situated in S.No.591/19B. Therefore, the instant applications have been filed.

5. If the first respondent is auction purchaser, attempts to interfere with the possession of the petitioner or his family members in respect of some other property not covered by the sale certificate, it is always open to the petitioner to file an appropriate application before the Executing Court seeking adjudication of his claim in pending E.A.No.2 of 2024. Instead of following the said procedure, the petitioner is not entitled to seek reopening of the Execution Petition and stay of all further proceedings without filing formal application seeking adjudication of his rights. Therefore, the executing Court was justified in returning the applications filed by the petitioner refusing to reopen the Execution Petition which was terminated already.



CRP(MD). Nos. 1974 & 1975 of 2026

WEB COPY

6. In such circumstances, I do not find any error in the order of return. Accordingly, these Civil Revision Petitions are dismissed. However, it is open to the petitioner to file appropriate application in pending EA.No.2 of 2024 for adjudication of his right, if any, over to the subject matter. Consequently, connected miscellaneous petition is closed.

No costs.

NCC : Yes/No
Index : Yes / No
Internet :Yes / No
gvn

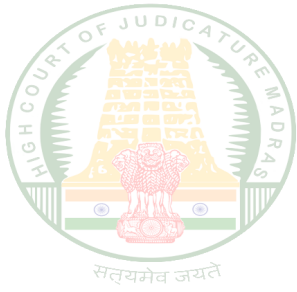
22.07.2026

Note:

Issue order copy on 23.07.2026

To

The Subordinate Judge,
Kuzhithurai.



WEB COPY



CRP(MD). Nos. 1974 & 1975 of 2026

S.SOUNTHAR, J.

gvn

COMMON ORDER MADE IN

CRP(MD). Nos.1974 & 1975 of 2026

22.07.2026