



C.R.P.No.1153 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29..07..2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.No.1153 of 2025

and

C.M.P.No.6780 of 2025

T.Raguraman

..... Petitioner

-Versus-

P.Govindaraj (Died)

1.G.Gopalakrishnan

Aadhilakshmi Ammal (Died)

P.T.Rajan (Died)

P.Subramani (Died)

2.Dr.Ramamoorthy

3.Anand

Sakku Bai Ammal (Died)

Radha Ammal (Died)

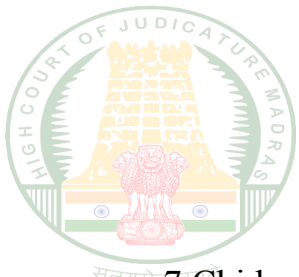
Rukumani Ammal (Died)

4.P.T.Rajkumar

5.P.T.Santhoshkumar

6.P.T.Nithiyakumar

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7.Chidambaram
8.Bindu
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..... Respondents

Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the order and decretal order dated 26.11.2024 made in E.P.No.44 of 2022 in O.S.No.133 of 1992 on the file of the learned District Munsif cum Judicial Magistrate, Ranipet, Vellore District (now Ranipet District).

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.Amar D.Pandiya for R1

No appearance for R5

*Notice against RR2 to 4, 6, 7 &
8 returned as insufficient
address*

ORDER

This Civil Revision Petition is filed challenging the order dated 26.11.2024 passed by the learned District Munsif, Ranipet, in E.P. No.44 of 2022. By the said order, the Execution Petition filed by the 2nd decree-holder under Order XXI Rule 35 of the Code of Civil Procedure was allowed, directing delivery of possession of the properties which are the subject matter of the sale certificate.



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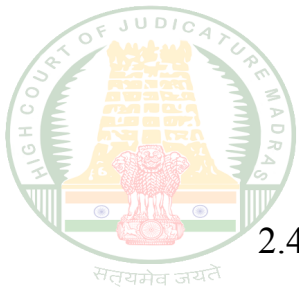
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2.0 The background of facts leading to the filing of the present revision petition, which are necessary to note in brief, are as follows:

2.1 The 1st respondent's father, Mr. P. Govindarajan, filed a suit in O.S. No.220 of 1978 on the file of the District Munsif Court, Ranipet, for partition of suit schedule properties. A preliminary decree was passed on 20.04.1982, followed by a final decree dated 30.01.1987.

2.2 During the final decree proceedings, as the suit property was found to be indivisible, it was brought to sale by way of auction. Thereafter, the property was auctioned before the court, and the 2nd defendant, P.Subramanian (since deceased), who is the uncle of the 1st respondent herein and the brother of the original plaintiff in the suit, emerged as the successful bidder and purchased the property in the court auction by depositing a sum of Rs.72,000/- on 26.08.1992.

2.3 Subsequently, the said 2nd defendant (auction purchaser) filed an application in I.A. No.67 of 1995 in O.S. No.133 of 1992 seeking confirmation of the auction sale and issuance of the sale certificate. It is relevant to note here that the original suit, O.S. No.220 of 1978, filed by P.Govindarajan on the file of the learned District Munsif, Vellore, was later transferred upon constitution of the District Munsif's Court at Ranipet and renumbered as O.S. No.133 of 1992.

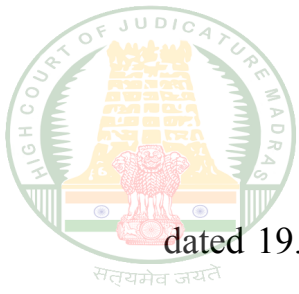


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2.4 In the meanwhile, challenging the auction sale, a civil miscellaneous appeal in C.M.A. No.16 of 1992 was filed and, as the said CMA was not disposed of, a revision in C.R.P. No.3877 of 1998 was filed for a direction for early disposal of the CMA. This Court, by order dated 04.01.1999, directed the court below to dispose of C.M.A. No.16 of 1992 at the earliest. Thereafter, the said appeal came to be dismissed.

2.5 Pending disposal of the above proceedings, the 1st respondent's father, the plaintiff in the suit viz., P.Govindarajan, died. Thereafter, the 1st respondent herein and his mother were brought on record as legal representatives of P.Govindarajan. Moreover, the 1st respondent's paternal uncle, P.Subramanian (the 2nd defendant in the suit and successful bidder in the court auction), also died. However, during his lifetime, the 2nd defendant - P.Subramanian, executed a Will dated 31.01.2000 in favour of the 1st respondent

2.6 The validity of that Will was challenged, and the matter was agitated at different levels of courts. C.R.P. No.1015 of 2005 was filed by the 4th respondent against the order dated 12.10.2004 passed in I.A. No.21 of 2002. This Court, by order dated 09.03.2012, dismissed the revision, which was taken up to the Hon'ble Supreme Court, and the Hon'ble Supreme Court, by order



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dated 19.02.2014, dismissed the Special Leave Petition. Thus, the status of the

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1st respondent as the legal representative of his deceased uncle, P.Subramanian, the 2nd defendant in the suit, stood concluded by the order dated 12.10.2004 passed in I.A. No.21 of 2002 in O.S. No.133 of 1992, and reaffirmed by the Hon'ble Supreme Court by order dated 19.02.2014.

2.7 Thereafter, it is seen from the records that the learned District Munsif, Ranipet, by order dated 31.07.2014, dismissed the application in I.A. No.67 of 1995 filed for confirmation of sale held under the Partition Act, holding that the 1st respondent cannot have a dual role as both the legal representative of his father (the plaintiff in O.S. No.133 of 1992) and as legal heir of his paternal uncle, – P. Subramanian (2nd defendant in O.S. No.133 of 1992). On a revision preferred by the 1st respondent, this Court, by order dated 26.06.2019 made in C.R.P. (NPD) No.440 of 2015, while setting aside the order of the court below, directed the learned District Munsif, Ranipet, to take up the application in I.A. No.67 of 1995 and dispose of the same on merits.

2.8 It is relevant to note that the Will executed by the auction purchaser was held to be valid in the proceedings referred to above, which went up to the Hon'ble Supreme Court, and the Hon'ble Supreme Court reaffirmed the issue in favour of the 1st respondent. The 1st respondent, being the legatee, stepped into



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the shoes of his uncle, the 2nd defendant, P. Subramanian, who was the successful bidder in the court auction sale. Therefore, he continued the proceedings initiated by the said P. Subramanian in I.A. No.67 of 1995. That application was disposed of by the court below on 18.12.2020, confirming the auction sale held already in 1992 and also issuing the sale certificate.

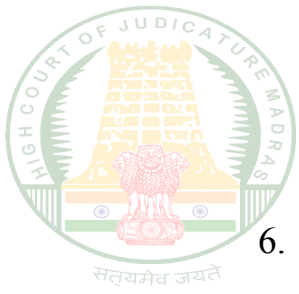
2.9 Thereafter, an execution petition came to be filed for delivery of possession of the auctioned properties.

2.10 At that stage, a contention was raised by the revision petitioner that the execution petition was barred by limitation. However, the court below negated that contention and passed an order for delivery.

3. Despite notice having been served on the 5th respondent, there was no representation on his behalf, nor did he appear in person.

4. Having regard to the order that is going to be passed in the matter, which would in no way cause any prejudice to the respondents 2 to 4, 6, 7 & 8, this court is of the view that hearing them may not be necessary.

5. This Court has heard Mr.C.Prabakaran, learned counsel for the revision petitioner, and Mr. Amar D.Pandiya, learned counsel for the 1st respondent.



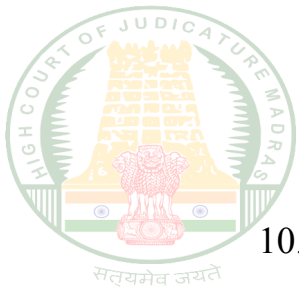
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6. The learned counsel for the revision petitioner contended that the execution petition filed by the 1st respondent and numbered as E.P. No.44 of 2022 is barred by limitation since the court auction sale was conducted on 26.08.1992 and the execution proceedings ought to have been initiated within 12 years from the date of auction sale.

7. Per contra, the learned counsel for the 1st respondent contended that the date of the sale certificate alone should be taken for the purpose of reckoning the limitation.

8. This Court has considered the rival submissions and also perused the available records carefully.

9. The facts already narrated would clearly go to show that the sale was not confirmed immediately, and the confirmation of sale was delayed due to various proceedings that had been pending for all these years. Only by the directions of this Court given on 26.06.2019 in C.R.P. No.440 of 2015, the learned District Munsif, Ranipet, passed an order on 18.12.2020 in I.A. No.67 of 1995, confirming the court auction sale held on 26.08.1992 and issuing the sale certificate in favour of the 1st respondent herein.



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10. Thereafter, execution petition proceedings in E.P. No.44 of 2022 were filed by the 1st respondent for delivery of possession of the property, which was within one year as per Article 136 of the Limitation Act, 1963. Thus, the execution petition, E.P. No.44 of 2022, was well within the limitation stipulated under the Act for delivery of possession of the auctioned properties. The time for delivery of possession starts from the date of confirmation of sale and not from the date of court auction sale.

11. The sale in the instant case was confirmed by the learned District Munsif, Ranipet, only on 18.12.2020 by an order passed on I.A. No.67 of 1995, though, as already stated, the court auction sale was held on 26.08.1992. Therefore, the contention of the learned counsel for the revision petitioner that the execution proceedings are hit by limitation does not hold water.

12. The order dated 26.11.2024 made by the learned District Munsif directing delivery of the properties, which is under revision, does not call for any interference.

13. In the light of the above discussion, the revision petition is devoid of merits and is liable to be dismissed.



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In the result, the civil revision petition is dismissed. There is no order as

to costs. Consequently, the connected CMP is closed.

Index : yes / no

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Neutral Citation : yes / no

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To

1.The District Munsif-cum-Judicial Magistrate, Ranipet, Ranipet District.



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N.SATHISH KUMAR.J.,
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