



WEB COPY

CRP No. 3315 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3315 of 2025 and CMP No.18306 of 2025

1. V. Kannammal

W/o. Veerappan, No.37/77, Bangara
Street, Mount Road, Annasalai,
Chennai - 002.

Petitioner(s)

Vs

1. M. Vikash Kumar

S/o. Mahaveer Chand, No.93, Cementry
Road, Royapuram, Chennai - 013.

2.The Madras Rattan Bazaar Road
Cabinet

and Rattan Merchants Charities Sabha,
Rep. by its Trustees K.Kamal, S/o.
Balachandraraj, No.18,
Chidambaranathan Street, Opp to
Stanley Hospital, Royapuram, Chennai
- 013.

Respondent(s)

Revision filed under Article 227 of the Constitution of India against
the order passed in E.A.No.5 of 2025 in E.P.No.5441 of 2022 in O.S.No.5769
of 2022 on the file of XXV Assistant Judge, City Civil Court, Chennai dated
30.06.2025 and to set aside the same.

For Petitioner(s): Mr.V.Raghavachari
Senior Counsel
For Mr.K.Balaji

For Respondent(s): No appearance



ORDER

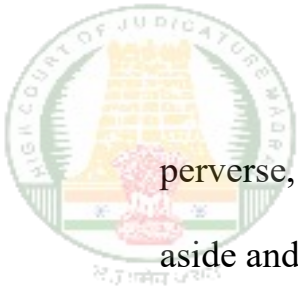
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Heard Mr.V.Raghavachari, learned Senior Counsel appearing for the revision petitioner.

2. Learned Senior Counsel would bring to my notice that the revision petitioner is the auction purchaser, who has parted with sum of Rs.1,40,70,000/- (Rupees One Crore Forty Lakhs Seventy Thousand Only) for the purpose of purchase of the decreetal property and he has also been placed in possession. However, behind his back, the executing Court, suo-motu, has proceeded to set aside the sale, entertaining powers under Section 340 of Criminal Procedure Code finding that the decree holder and the judgment debtor have not brought material documentary evidence to the notice of the Court.

3. In any event, the executing Court does not have any suo-motu power to recall the orders passed in the execution petition, much less to set aside the auction sale that has been concluded validly in terms of the provisions of the Code of Civil Procedure.

4. In view of the above, the impugned order dated 30.06.2025 in EA No.5 of 2025 in EP No.5441 of 2022 in O.S.No.5769 of 2022 is clearly



perverse, illegal and unsustainable in the eye of law and accordingly, it is set aside and the civil revision petition is allowed.

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5. Learned Senior Counsel would bring to my notice that pursuant to the order passed by the executing Court, the order cancelling the sale certificate has been intimated to the Sub Registrar concerned.

6. In view there of, this order, setting aside the order nullifying the cancellation of the sale certificate shall also be communicated to the Sub Registrar concerned at the costs of the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

09-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
sr



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To

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P.B.BALAJI J.

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