



WEB COPY

CRP.No.6163 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.6163 of 2025

and

CMP.No.30241 of 2025

S.Mohana @ Mohanasundari

... Petitioner

Vs.

M.P.Jothi

... Respondent

Prayer:- This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908, to set aside the order and decretal order dated 06.10.2025 made in E.A. No.1 of 2024 in E.P. No.49 of 2019 in C.S. No.994 of 2016 on the file of the III Additional District and Sessions Court, Tiruvallur at Poonamallee.

For Petitioner : Mrs.Vasudha Thiagarajan
For Respondent : Mr.D.Senthilkumar

ORDER

Mrs. Vasudha Thiagarajan, learned counsel for the petitioner, seeks leave to grant liberty to the revision petitioner to work out her remedy in accordance with law. She has also brought to the notice of this Court the decision of the Hon'ble Supreme Court of India in *Dilip Mehta vs.*

Rakesh Gupta & Ors., (Civil Appeal arising out of SLP (C) No.27806 of



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2023, dated 18.11.2025). The Hon'ble Supreme Court has left open all questions, including the allegations of collusion and abuse of process, to be considered by the High Court in appropriate writ proceedings.

2. The learned counsel for the respondent has no objection to the grant of such liberty, in accordance with law.

3. In view of the above, the following paragraph shall stand added at the end of the order dated 05.12.2025:

“This order shall not stand in the way of the petitioner in exercising the remedies available to her in accordance with law.”

18.12.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
kv

Note: Registry is directed to issue a fresh order copy in C.R.P.No.6163 of 2025 dated 05.12.2025 after making necessary corrections.

To

The III Additional District and Sessions Court,
Tiruvallur at Poonamallee.



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P.B.BALAJI, J.

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Reserved on:02.12.2025

Pronounced on:05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

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and CMP. No.30241 of 2025**

S.Mohana @ Mohanasundari

Petitioner(s)

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For Petitioner : Mrs.Vasudha Thiagarajan

For Respondent : Mr.D.Senthilkumar

ORDER

The judgment debtor is the revision petitioner, challenging the order in E.A. No.1 of 2024 which was filed by the revision petitioner invoking Section 47 of the CPC to declare the Lok Adalat award in C.S. No.994 of 2016, as null and void, non est, inexutable as against the revision petitioner.



2. I have heard Mrs.Vasutha Thiagarajan, learned counsel for the revision petitioner and Mr.D.Senthilkumar, learned counsel for the respondent/decreed holder.

3. The learned counsel for the revision petitioner, Mrs.Vasutha Thiagarajan, would contend that the Executing Court has erroneously dismissed the Application under Section 47 of the Code of Civil Procedure, 1908, (in short 'CPC') holding that the remedy of the revision petitioner was only to challenge the Lok Adalat award, either under Article 226 or under Article 227 of the Constitution of India. The learned counsel would further state that when it was the specific case of the petitioner that not only the mortgage was created by forging the petitioner's signature, but also before the Lok Adalat, the award was brought about by playing fraud and under exercise of threat, coercion and duress, the petitioner was well within her rights to question the executability of the decree by invoking Section 47 of CPC. The learned counsel would further state that the property is situate within the jurisdiction of Ambattur and the High Court did not have any territorial jurisdiction to even entertain the suit, especially when the suit was based on a mortgage alleged to have been executed by the revision petitioner. The learned counsel would therefore pray for the revision being allowed.



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4. Per contra, Mr.D.Senthilkumar, learned counsel appearing for the respondent/decreed holder would submit that the very same contentions were raised by the revision petitioner in applications filed in A.S.SR. Nos. 23801 to 23803 of 2023 in C.S. No.994 of 2016 and by order dated 18.04.2024, all the applications were rejected including the prayer made by the petitioner for recalling the Lok Adalat award and to set aside the same, besides seeking stay of the implementation of the award. The learned counsel would therefore state that there is absolutely no merit in the revision and the petition under Section 47 CPC itself was filed only to protract the proceedings and delayed the execution proceedings, to avoid payments to be made to the decree holder.

5. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the records including the order of the Executing Court dismissing the Application under Section 47 CPC.

6. In fact, I had an occasion to deal with the applications filed on the Original Side in C.S. No.994 of 2016 and after hearing the learned counsel for the parties, I dismissed the applications filed in Diary Nos.23801 to 23803 of 2023. Even in the said applications, the very

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same objections that have been taken in the application under Section 47 were raised by the revision petitioner and finding no merit in any of the said objections, I rejected the applications, even at the numbering stage, as not been maintainable. Having invited adverse findings in Applications filed in the suit in which the lok adalat award came to be passed, it is not open to the revision petitioner to attempt re-agitating the very same issues, by invoking Section 47 CPC.

7. Even otherwise, the Executing Court has rightly considered the contentions raised by the revision petitioner and held that the objections that are taken fall outside the purview of Section 47 of the CPC and they do not relate to execution, discharge or satisfaction of the decree which alone can be gone into in an Application under Section 47 CPC. I do not find any merit in the revision. The order of the Executing Court is well reasoned and does not suffer from any impropriety or perversity warranting interference in revision. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

05.12.2025

rkp

Index : Yes / No

Internet : Yes / No



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To:

The III Additional District and Sessions Court,
Tiruvallur at Poonamallee.

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P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.6163 of 2025
and CMP. No.30241 of 2025

05.12.2025