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C.R.P.No.5897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No. 5897 of 2025

Marimuthu Ammal (Died)

A.Nagarajan

...Petitioner

Vs

A.Venkatesan

...Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, praying to number the E.P.SR.No.6091 of 2025 pending on the file of Subordinate Judge, at Alandur as expeditiously as and dispose the same by time framed fixed by this Court.

For Petitioner : Mr.T.Karunakaran

ORDER

Heard the learned counsel for the petitioner.

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2. The decree holder is the defendant in the suit for specific performance.

Though the suit was initially decreed by the trial Court and confirmed by the lower appellate Court, this Court, in the second appeal ,reversed the judgement and decree of the trial Court which was confirmed by the Lower Appellate Court. This Court in S.A.No.398 of 2012 by judgment and decree dated 07.08.2021 directed the revision petitioner to take appropriate steps to cancel the sale deed. The matter was taken to the Hon'ble Supreme Court of India and by an order dated 05.12.2024 made in SLA(C).No.5103 of 2023, the Hon'ble Supreme Court of India has directed refund of the advance amount.

3. In order to cancel the sale deed, the petitioner has moved the Sub Court, Poonamalle. However, the Sub Court, Poonamalle, has not entertained the execution petition stating that the execution petition should have to be filed before the Sub Court, Alandur. When the petitioner moved the Sub Court, Alandur, the

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Court refused to entertain the execution petition on the grounds of pecuniary jurisdiction. The petitioner has therefore, filed this petition seeking direction to the Sub Court at Alandur to entertain the execution petition which is the jurisdictional Court, as on date. The Hon'ble Supreme Court of India has directed that on refund of the advance amount together with interest, the revision petitioner is entitled to seek cancellation of the sale deed that has been executed by Sub Court, Tambaram, in favour of the respondent/plaintiff.

4. In order to execute the decree, the petitioner had attempted to pay the advance due and payable to the respondent by way of demand draft, however, the same has not been received by the respondent and hence, the petitioner has filed the execution petition in order to seek deposit of the said amount and further cancellation of the sale deed executed by the Court.



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5. The Court that has executed the sale deed in favour of the petitioner is only the Sub Court, Tambaram, and subsequently, in view of change of territorial jurisdiction, the property is now situate within the Sub Court, Alandur and rightly the petitioner has moved the execution petition before the Sub Court, Alandur. The Sub Court, Alandur, ought to have numbered the execution petition and directed deposit of the amount as indicated by the Hon'ble Supreme Court of India in SLA(C).No.5103 of 2023 by the order dated 05.12.2024 and thereafter, proceeded to dispose of the execution petition on merits. It is seen that the execution petition is also not returned till date.

6. In view of the above, I am inclined to direct the Sub Court, Alandur, to entertain the execution petition and number the said execution petition, if it is

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otherwise, confirming to the requirements of the filing of the execution petition, not putting territorial jurisdiction against the revision petition, and dispose of the execution petition on merits and in accordance with law on or before 30.04.2026.

7. Accordingly, this civil revision petition is disposed of. No costs.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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