



C.R.P(MD)Nos.223 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.223 of 2025

and

C.M.P(MD)No.1389 of 2025

Sivakumar

... Petitioner

Vs.

1.A.Paramasivam

2.M.Muruganantham

A.Muruganantham (Died)

Karthikeyan (Died)

3.Rathinam

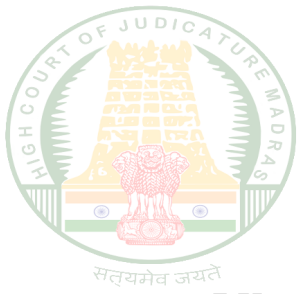
4.Saravanan

5.Vijay

Gandhimathi (Died)

6.Vijaya

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7.Kumar

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order, dated 13.11.2024 passed in E.A.No.2 of 2014 in E.P.No.65 of 2006 in O.S.No.319 of 2003 by the Principal Subordinate Court, Palani ordering delivery of possession and allow the above Civil Revision Petition and pass such further or other orders as this Court.

For Petitioner : Mr.N.Marimuthu

For R-1 : Mr.B.Arun

For R-2 : No appearance

For R-3 : Mr.P.Chellapandi

ORDER

The third defendant / judgment debtor in O.S.No.319 of 2003 on the file of the Principal Sub Court, Palani has filed the above revision petition challenging the order of delivery.



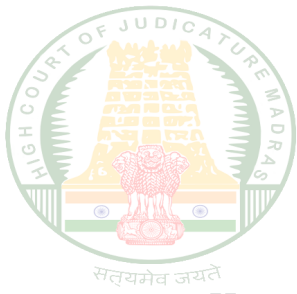
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2. A perusal of the records reveal that the second respondent in the revision petition has filed the above said suit for the relief of recovery of a sum of Rs.1,97,500/-. The suit was decreed *ex parte* on 30.08.2003. The decree holder has filed E.P.No.65 of 2006 to bring the property for sale. The property was sold in Court auction and the sale also confirmed on 09.04.2012. The sale certificate was issued on 09.07.2012.

3. The auction purchaser had filed E.A.No.2 of 2014 for taking delivery of the property. This application has been allowed by the Trial Court. Challenging the same, the judgment debtor has filed the present revision petition.

4. According to the learned Counsel appearing for the petitioner, the sale was confirmed on 09.04.2012 and therefore, the E.A for delivery should have been filed within a period of one year. However, the present application for delivery was filed only on 04.01.2014. Therefore, the application should not have been entertained by the Executing Court.



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Hence, he prayed for allowing the revision petition.

5. Per contra, the learned Counsel appearing for the auction purchaser had contended that E.A.No.2 of 2014, seeking delivery of the property was filed on 05.04.2013 and therefore, it is clearly within a period of one year. Since a doubt arose with regard to the date of filing of the delivery application, a report was called for from the Principal Sub Court, Palani. A report was submitted on 07.04.2025 to the effect that the delivery application was filed on 05.04.2013 and it was represented on 04.01.2014.

6. In view of the report submitted by the Trial Court along with the stamp register, it is clear that the application for delivery has been filed within a period of one year from the date of confirmation of sale. The learned Counsel appearing for the petitioner has further contended that, an application for amendment of sale certificate was filed by the auction purchaser and the same has also been allowed without amending the sale



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certificate and they are trying to take delivery of the property. It is made clear that only after the sale certificate is amended, the auction purchaser would be entitled to take delivery of the property as per the amended sale certificate.

7. In view of the above said deliberations, there are no merits in the revision petition. Hence, this Civil Revision petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Principal Subordinate Court,
Palani.

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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.223 of 2025

16.04.2025