



C.R.P(MD)No.3415of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3415 of 2025
and
C.M.P(MD)No.18538 of 2025

Ramasamy

... Petitioner

Vs.

Kaleeswaran (Died),

1. Gnanapoo,
2. Rajalingam,
3. Viji Edison,
4. Ramaraj,
5. Johnkennedy,

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the impugned fair and decreetal order dated 25.04.2025 in E.A.No. 2 of 2023 in E.P.No. 5 of 2006 in O.S.No. 102 of 2002 on the file of the Principal Sub Court, Srivilliputtur by allowing this Civil Revision Petition and thus render justice.

For Petitioner	: M/s. K. Balasundaram Senior Advocate for M/s.KBS Law Office
For Respondent	: M/s.K.Sudalaiyandi



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ORDER

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This Civil Revision Petition is filed seeking to set aside the impugned fair and decretal order dated 25.04.2025 in E.A.No. 2 of 2023 in E.P.No. 5 of 2006 in O.S.No. 102 of 2002 on the file of the Principal Sub Court, Srivilliputtur.

2. The learned Counsel for the petitioner would submit that the 1st respondent had initiated a suit for recovery of money which was decreed *ex-parte*. Subsequently the property of the petitioner was brought under auction by the first respondent and the 5th respondent had purchased the property in a court auction. According to him, the property is worth more than Rs.20,00,000/-, but the 5th respondent had purchased the property for only a sum of Rs.7,59,500/-. A petition had been taken out by the decree holder/plaintiff for withdrawal of the amount lying in the Court deposit, pursuant to the court auction. The court below without considering the claim of the petitioner, particularly, the claim that the auction sale itself is a nullity, had allowed the petition without considering the objections made by the petitioner in that regard. He would also submit that the petitioner had already deposited a sum of Rs.6,00,000/- pursuant to the orders of the Hon'ble Apex Court and



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therefore even if the amount is not permitted to be recovered, the petitioner would not be prejudiced. He would further submit that the petitioner had also proposed to take necessary steps to set aside the auction sale and if such proceedings are initiated, withdrawal of the amount will prejudice the petitioner.

3. Countering his argument, the learned Counsel appearing for the respondent would submit that the auction had been conducted as early as in the year 2008 and the petitioner had not taken any steps to challenge the said auction which could only be made under Order XXI Rule 90 of CPC within a period of 30 days. Even the deposit made by the petitioner, does not equal the auction sale amount and hence, any application filed by him could not be considered. He further submits that the dispute had gone up to the Hon'ble Apex Court and the plaintiffs' claim for the money decree had been held to be valid. Therefore, he prays that this Court dismiss the present Civil Revision Petition.

4. I have carefully considered the submissions made on either side and perused the materials available on record.



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5. As rightly pointed out by the learned Counsel for the respondents, the petitioner has not taken any steps to set aside the auction sale. But it is his claim that he has proposed to initiate fresh steps to challenge the same. Be that as it may, the property had been sold in the auction sale and the sale amount is lying to the credit of the EP.No. 5 of 2006.

6. In such view of the matter, this court does not find any infirmity in the reasoning given by the court below in ordering the application filed by the decree holder.

7. In view of the above, this Civil Revision Petition is dismissed. However, it is for the petitioner to work out his remedies in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2025

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

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1.The Judge,
The Principal Sub Court, Srivilliputtur

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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