



C.R.P(MD)No.2501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **12.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2501 of 2025
and
C.M.P(MD)No.14941 of 2025

Arunmalaisamy

... Petitioner/6th Respondent/
6th Respondent/
6th Defendant

Vs.

1.K.Nagarajan

... 1st Respondent/Petitioner/
Petitioner/Plaintiff

2.C.Rajkumar

3.C.Kathirvel

4.R.Anniya

5.R.Harshavarthini

6.Nithiyasree

...Respondents 2 to 6/
Respondents 1 to 5/
Respondents 1 to 5/
Defendants 1 to 5

PRAYER:Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decretal order passed in E.A.No. 57 of 2024 in E.P.No.12 of 2020 in O.S.No.102 of 2012 on the file of the Additional District Court (Fast Track Court), Palani, dated 13.08.2025.



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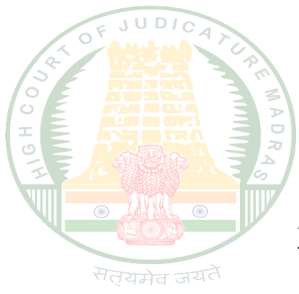
For Petitioner : Mr.T.Lenin Kumar

For R1 : Mr.R.Bala Ramesh
For Mr.P.M.Vishnu Varthanan

ORDER

The instant civil revision petition has been filed to set aside the fair and decreetal order passed in E.A.No.57 of 2024 in E.P.No.12 of 2020 in O.S.No.102 of 2012 on the file of the Additional District Court (Fast Track Court), Palani, dated 13.08.2025.

2. The learned counsel for the petitioner submits that the order for specific performance had been obtained by fraud. He submits that the appeal suit filed by the petitioner was dismissed on the ground of delay. The petitioner has subsequently filed a suit for partition, in which order of *status quo* was granted. The said order is also subject matter of revision, in which the stay of the order of *status quo* has been granted and it is pending before this Court. Therefore, till the disposal of the proceedings pending in civil revision petition in the partition suit, the execution petition should have been kept pending. On the other hand without considering the pendency of the proceedings before this Court, delivery had been ordered. Therefore, he seeks interference with the order passed by the Court below.



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3. I have considered the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. The judgment and decree for specific performance, on which the execution petition has been filed, has attained finality. In fact, the sale deed has also been executed in favour of the decree holder. What remains is to the issue of possession alone. The subsequent partition suit filed by the petitioner cannot be a bar for the execution Court to proceed with the execution of a decree that has attained finality. If the petitioner succeeds in the partition suit, it is always open for him for seeking appropriate remedy.

5. Therefore, this Court does not find any merit in the petition and accordingly, the civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn



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- 1.The Additional District Court (Fast Track Court), Palani.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

SN

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