



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1415 of 2026
and CMP.No.6834 of 2026**

A.S.Raja
S/o. Subramania Chettiar,
New No.48, High Road,
Pernambut Taluk,
Vellore District.

..Petitioner(s)

Vs

The Pernambut Muslim Educational Society
Rep. by its General Secretary,
Pernambut Taluk,
Vellore District.

..Respondent(s)

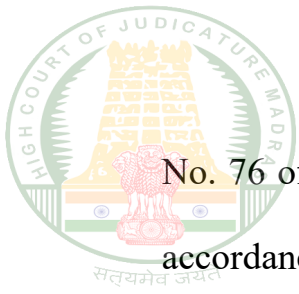
PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the EP Court (District Munsif Court, Gudiyatham) to receive the additional counter of the petitioner/JD proposed to be filed in EA SR No.2438 of 2025 in EP No.76 of 2016 in OS NO.86 of 1991 and to decide the EP in accordance with merits and law and allow the CRP.

For Petitioner(s):	MR. R.Lakshmi Narayanan
For Respondent(s):	MR.J.PRAKASAM

ORDER

Civil Revision Petition filed praying to direct the E.P. Court (District Munsif Court, Gudiyatham) to receive the additional counter proposed to be filed by the petitioner/judgment debtor in E.A. S.R. No. 2438 of 2025 in E.P.

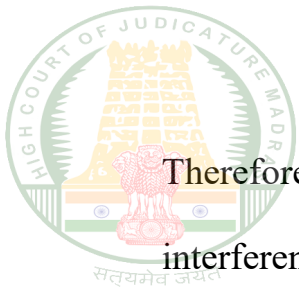


No. 76 of 2016 in O.S. No. 86 of 1991, to decide the execution proceedings in accordance with law and on merits, and consequently allow the Civil Revision Petition.

2. Before the Executing Court, the revision petitioner/judgment debtor filed an application seeking permission to receive an additional counter. The same was returned by the Executing Court on the ground that the execution petition was pending for delivery and that the judgment debtor had already filed counter objections. Therefore, according to the Executing Court, there was no necessity to receive the additional counter. It was further observed that an order for delivery had already been passed on an earlier occasion. Aggrieved by the return of the application, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner submitted that, with regard to discrepancies in the suit survey number, the petitioner seeks to file an additional counter. However, the Executing Court did not provide an opportunity to do so. Therefore, he seeks a direction from this Court to number the application and consider the same in accordance with law.

4. The learned counsel appearing for the respondent submitted that, by filing an additional counter, the judgment debtor is only attempting to prolong the proceedings by raising new grounds, which are not sustainable at this stage.



Therefore, the Executing Court had rightly returned the application, and no interference is warranted. Accordingly, he raised objections to the relief sought by the petitioner.

5. Heard the learned counsel appearing on either side.

6. The facts reveal that the original suit in O.S. No. 86 of 1991 was filed by the respondent seeking eviction and recovery of possession. Pursuant to the decree passed therein, E.P. No. 76 of 2016 has been filed for delivery of possession. It is also seen that the First Appeal in A.S. No. 27 of 2007 was dismissed. As on date, no second appeal is pending against the decree. However, the learned counsel for the petitioner submitted that there are discrepancies in the survey number mentioned in the execution proceedings. Considering the said submission and in order to ensure effective delivery of possession, this Court deems it appropriate to provide one more opportunity to the petitioner. Accordingly, the Executing Court is directed to receive the application filed by the petitioner seeking to place the additional counter on record and thereafter dispose of the execution proceedings, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



T.V.THAMILSELVI, J.

mpa

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7. With the above observations, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA
To

1. The District Munsif Court, Gudiyatham.
2. The Pernambut Muslim Educational Society
Rep. by its General Secretary,
Pernambut Taluk,
Vellore District.
3. The Section Officer, VR Section, High Court,
Madras.

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