



WEB COPY

CRP No. 969 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 969 of 2026

and

CMP No. 5224 of 2026

R.Ramu
S/o. Rangappa Naidu,
Mariyamman Kovil Street,
Mulligrampattu,
Nellikuppam and Post,
Panruti Taluk.

..Petitioner(s)

Vs

1. H.Basheeria Bivi
W/O. Late K.M.Hanifa,
No.23/56,First Meelad Street,
Nellikuppam and Post,
Panruti Taluk.
2. H.Farida Begam
W/o. Abdul Hakkim,
D/o. Late K.M.Hanifa,
No.21/56, First Meelad Street,
Nellikuppam and Post,
Panruti Taluk.
3. N.Noorul Hyne
W/o. Mohamed Nazeer,
D/o. Late K.M. Hanifa,
No.22, Nadesan Street,
Nellikuppam and Post,
Panruti Taluk.
4. H.Habibur Rahman
S/o. Late K.M.Hanifa,
No.23/56, First Meelad Street,
Nellikuppam and Post,
Panruti Taluk.



5. Rabiathul Arabia
W/o. Mohamed Tamiq,
D/o. Late K.M.Hanifa,
Sulthanpet, Villianur Commune,
Puducherry.
6. Sadiq Basha
S/o. Late K.M.Hanifa,
No.23/56, First Meelad Street,
Nellikuppam and Post,
Panruti Taluk.
7. Nazeer Ahamed
S/o. Late K.M.Hanifa,
No.307, Khan Sahib Abdul Razak Road,
Nellikuppam and Post,
Panruti Taluk.

..Respondent(s)

Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the order passed in E.P.No.177 of 2022 in O.S.No.20 of 2010 before the I Additional District and Sessions Judge, Cuddalore dated 06.02.2026 by allowing the revision.

For Petitioner(s): Mr.R.Muralidharan

For Respondent(s): Mr.R.Rajavelavan
for R1 to R6

R7- Service awaited

ORDER

This Civil Revision Petition is filed against the order dated 06.02.2026 in E.P.No.177 of 2022 in O.S.No.20 of 2010, allowing the respondents petition under Order XXI Rule 35 of Civil Procedure Code for possession of the



properties as per final decree in O.S.No.20 of 2010.

WEB COPY

2. The petitioner filed a suit for specific performance in O.S.No.19 of 2015 against the 7th respondent, to execute a sale deed pursuant to the suit sale agreement and also for alternative relief of recovery of advance amount of Rs.2,30,000/-. So also the respondents 1 to 6 filed a suit in O.S.No.20 of 1020, against the petitioner and the 7th respondent for partition, claiming 58/72 shares in the suit property. Both suits were tried together and a common judgment and decree was passed on 29.04.2017, dismissing the petitioner's suit for specific performance, while granting relief of recovery of advance amount of Rs.2,30,000/- and decreeing the respondents 1 to 6, suit for partition. Thereafter the respondents 1 to 6 filed I.A.No.2 of 2018 in O.S.No.20 of 2020, for final decree and the same was allowed on 28.04.2022. While so, the petitioner filed three appeals before this Court against the common judgment in O.S.Nos.19 of 2015 and 20 of 2010 and against I.A.No.2 of 2018 in A.S.Nos. 555 of 2022, 445 and 446 of 2023 respectively.

3. This Court on 14.07.2025, by a common judgment and decree, dismissed all the appeals, confirming the judgment and decree of the trial Court. The petitioner filed review petitions before this Court against the common judgment in the aforesaid appeals, in Review Application Sr.Nos'.191455, 191456 & 191457 of 2025.



4. The petitioner states that during the pendency of the appeals, the respondents 1 to 6 filed execution petition in E.P.No.177 of 2022, for possession of the property as per the final decree in O.S.No.20 of 2010. The petitioner states that the Executing Court allowed the E.P. on 06.02.2026, by directing delivery by 27.02.2026, over looking that the review petitions were pending before this Court. The petitioner aggrieved by the order passed in the aforesaid E.P has filed the above Civil Revision Petition.

5. The learned counsel for the petitioner submitted that indisputably the review petitions were filed, but unfortunately, they were not numbered and therefore the execution Court ought to have awaited the result of the review petitions before allowing the E.P.

6. Heard both counsels and perused the materials placed on record.

7. The tracking record filed for service of notice to the 7th respondent, shows that notice to the 7th respondent was delivered.

8. From the materials on record, it is seen that the petitioner has raised the very same contentions before the Executing Court and the Executing Court rightly rejected the same by holding that there was no question of delaying the execution proceedings in the absence of a stay order in the review petitions.



The Executing Court was justified in holding that mere filing of review petition will not amount to automatic stay of EP proceedings.

WEB COPY

9. It is to be noted that the common judgment in the appeal was passed on 14.07.2025, and the review was filed belatedly, on 19.11.2025. The review application is yet to be numbered. The Hon'ble Supreme Court has repeatedly held that under the provisions of Order 41 Rule 5 of CPC, unless the appeal is listed and there is an interim order, the mere filing of the appeal would not operate as a stay. (*Sanjeev Kumar Singh Vs. State of Bihar & Others [SLP No. 19038 of 2022, dated 24.01.2023]*).

Under the circumstances, this Court finds absolutely no infirmity or illegality in the order passed by the Executing Court and therefore this Court is not inclined to interfere with the same. This Court finds no merit in the Civil Revision Petition and hence, the same is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

17-03-2026

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

dsn



CRP No. 969 of 2



N.MALA J.

dsn

WEB COPY

To
The I Additional District and Sessions Judge,
Cuddalore.

**CRP No. 969 of 2026
and CMP No. 5224 of 2026**

17-03-2026