



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

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

**CRP No. 2786 of 2026
and CMP.Nos.11500 & 11502 of 2026**

S.C.Prabakaran
S/o.Shanmugasundaram,
no.38 Mangarai Amman Nagar,
Vijayapuram Post,
Tiruppur Dist.

..Petitioner(s)

Vs

1. C.Thangavel
s/o.Chinnasamy alias Ramaboyan
No.40/1, New No.31/20,
RVE Layout
2nd street, Thennampalayam
Palladam Road
Tirupur
2. Rajasekar
S/o.Madhavan
No.9/6, New No.15/6,
MRC Ellaiaimman Temple
Kotoor
Chennai-85

..Respondent(s)

PRAYER

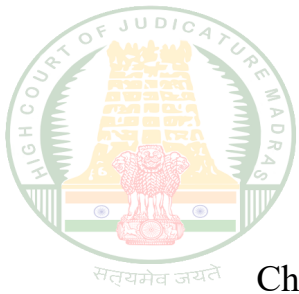
Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 07-01-2026 made in EA.No.6 of 2025 in EP.No.15 of 2013 in OS.No.73 of 2011 on the file of the Learned Principal Subordinate Judge, Tiruppur.

For Petitioner(s):

MR.R.Prabakar

For Respondent(s):

MR.C.THANGAVEL P- IN -P



ORDER

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Challenging the order passed in E.A.No.6 of 2025, the revision petitioner, who is a third party to the said application and the subsequent purchaser of the property from the auction purchaser, has filed the present Civil Revision Petition.

2. According to the petitioner, the property which was the subject matter of O.S.No.73 of 2011 was brought to sale in Court auction in execution proceedings. One Balakrishnan purchased the property in the Court auction held in the year 2018. Thereafter, delivery of possession was effected through Court and the execution proceedings were terminated. Subsequently, the present revision petitioner purchased the property from the said Balakrishnan under a registered sale deed dated 04.12.2024 for valuable consideration and has been in possession and enjoyment of the property ever since.

3. The petitioner would submit that he subsequently came to know that the auction sale in favour of Balakrishnan had been set aside in E.A.No.6 of 2025 without impleading either the auction purchaser or the present petitioner. Hence, he seeks to set aside the impugned order as illegal.

4. Notice was served. The respondent, Mr. Thangavel, appeared in person



and submitted that he had paid the decree amount as early as in the year 2017, but the said fact was not brought to the notice of the Executing Court.

Consequently, the property was erroneously brought to sale. Upon coming to know of the said facts, he filed E.A.No.6 of 2025 seeking to set aside the auction sale. According to him, the Executing Court rightly considered the materials on record and cancelled the sale. Therefore, the revision deserves to be dismissed.

5. Considering the rival submissions, it is seen that the present petitioner purchased the property from Balakrishnan, who was the auction purchaser in E.P.No.15 of 2013 arising out of O.S.No.73 of 2011. The suit was one for specific performance filed by Rajasekar against Thangavel. Though specific performance was not granted, the Court ordered refund of the advance amount. Since the amount was not paid, the property was brought to sale in execution, wherein Balakrishnan purchased the property in the year 2018.

6. Thereafter, delivery of possession was effected through Court Amin and the execution proceedings were terminated on 11.07.2022. Subsequently, the present petitioner purchased the property for valuable consideration in the year 2024.

7. Admittedly, E.A.No.6 of 2025 was filed by the judgment debtor



seeking to set aside the auction sale without impleading either the auction purchaser, namely Balakrishnan, or the subsequent purchaser, namely the present revision petitioner. Even in the affidavit filed in support of the application, the judgment debtor had categorically admitted that the property had been purchased by Balakrishnan in Court auction. Therefore, Balakrishnan was a necessary party to the proceedings.

8. However, without issuing notice to the auction purchaser and the subsequent purchaser, the Executing Court proceeded to set aside the auction sale. Such an order passed behind the back of necessary parties is clearly unsustainable.

9. Accordingly, this Court is of the view that the order passed in E.A.No.6 of 2025 is liable to be set aside. The Executing Court is directed to issue notice to all necessary parties, including the decree holder, the auction purchaser Balakrishnan, and the subsequent purchaser/revision petitioner, and thereafter dispose of the application within three months on merits after affording sufficient opportunity to all concerned. Till then 1st respondent possession not to be disturbed.

10. Accordingly, the Civil Revision Petition is allowed. The order passed in E.A.No.6 of 2025 is set aside and the matter is remitted to the Executing



Court for fresh consideration in accordance with law.

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11. The Registry is directed to return all original papers to the concerned Court forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

03-06-2026

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

MPA

To

1. The Principal Subordinate Judge, Tiruppur.

2. The Section Officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI, J.

MPA

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