



WEB COPY

CMP No. 6309 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP No. 6309 of 2026

AND

CRP SR NO. 36732 OF 2026

C.P.Karthik
S/o. C.A Palanisamy,
16/30A, Thulasiammal Layout,
Lakshmipuram,
Peelamedu,
Coimbatore-004.

..Appellant(s)

Vs

1. K.Vijayakumar
S/o. Kaliannan,
39-1, VettukaduPudhur,
Paramathi Velur,
Namakkal District.
2. N.Senthil Prabhu
S/o. Late Narayan Samy,
13, Gandhi Nagar,
Murugankovil Street,
Peelamedu,
Coimbatore.

..Respondent(s)

CRP SR No. 36732 of 2026

C.P.Karthik
S/O. C.A.Palanisamy,
16/30A, Thulasiammal Layout,
Lakshmipuram,
Peelamedu,
Coimbatore - 641004.

..Petitioner(s)

Vs

K.Vijayakumar
S/O. Kaliannan,



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39-1, Vettukadu Puthur,
Pramathi Velur,
Namakkal District,.

CMP No. 6309 of 2



..Respondent(s)

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To grant leave to the petitioner to file the above CRP before this Honble Court against the fair and decretal order dated 13.11.2025 made in EP No. 286 of 2018 in OS No. 52 of 2017 on the file of the LD. Second Additional Sub Court, Coimbatore and thus render justice.

CMP No. 6309 of 2026

For Appellant(s): N.Manoharan
 R.Renukadevi
 R.Darshan
 M.Adhishree
 K.Magesh

For Respondent(s):

Order

- (1) The present petition is filed by the third party, to grant leave to file the above Civil Revision Petition against the fair and decretal order dated 13.11.2025, made in eP.No.286/2018 in OS.No.52/2017 on the file of the learned II Additional Sub Judge, Coimbatore.
- (2) The 1st respondent/plaintiff filed OS.No.52/2017 on the file of the Sub Court, Namakkal, against the 2nd respondent herein, for recovery of money. The suit was decreed on 28.11.2017. Pending suit, an order of attachment before judgment was passed in IA.No.195/2017. After the decree was transmitted by an order dated 20.02.2018, in EA.No.41/2018,



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to the learned II Additional Sub Judge, Coimbatore, the 1st respondent/plaintiff filed an execution petition in EP.No.286/2018. The decree-holder, namely, the 1st respondent herein, filed EA.No.1/2019. Under Order 21 Rule 72 of CPC, seeking leave to sell the property for Rs.52 lakhs and to issue a Sale Certificate. The said EA was allowed on 24.01.2020. The decree-holder received Rs.10 lakhs towards full and final settlement from the petitioner herein and the balance amount of Rs.42 lakhs was paid to the 2nd respondent herein, the judgment debtor. When the EP was posted for appearance of the parties, a Compromise Memo dated 19.12.2019, was filed in EP.No.286/2018. The matter was adjourned for orders on 24.01.2020 and on that day, EA.No.1/2019, filed under Order 21 Rule 72 of CPC, seeking permission to sell the property to the petitioner, was allowed. The petitioner states that the 2nd respondent / judgment debtor, having received the entire sale consideration, failed to appear before the Court on 15.06.2024. The petitioner further states that without taking note of the order passed in EA.No.1/2019, and the Compromise Memo dated 19.12.2019, the Court below terminated EP.No.286/2018. Hence, the petitioner filed the above petition for the aforesaid relief.

- (3) This Court is satisfied with the reasons stated in the affidavit filed in support of the petition.



(4) Hence, the petition is **ordered** and **leave is granted**.

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To

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N.MALA J.

AP

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