



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 17.02.2026

Judgment pronounced on : 27.02.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.Nos.1466 & 5613 of 2025

P.Thilagam

.. Petitioner in both CRPs

Vs.

1.S.Pushpanathan
2.K.Rajenthiran

.. Respondents in CRP.No.1466 of 2025

1.S.Pushpanathan
K.Pandian (Died)
2.P.Dinesh

.. Respondents in CRP.No.5613 of 2025

Prayer in CRP.No.1466 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Sub-Court, Neyveli, to number the unnumbered E.A.No.____ of 2025 in E.P.No.94 of 2022 presented on 24.01.2025 on the file of the Sub-Court, Neyveli.

Prayer in CRP.No.5613 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 24.01.2025 passed by the Sub-Court, Neyveli, in E.P.No.94 of 2022.

For Petitioner : Mr.J.Rajmohan in both CRPs



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For Respondents : Mr.K.Gandhi Kumar in both CRPs

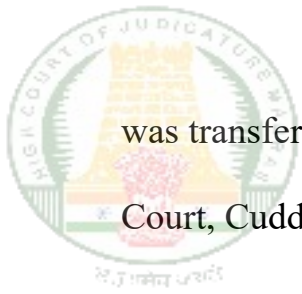
COMMON ORDER

CRP.No.1466 of 2025 has been filed for a direction to the Sub-Court, Neyveli, to number an unnumbered E.A.____ of 2025 in E.P.No.94 of 2022.

2.CRP.No.5613 of 2025 has been filed to set aside the docket order dated 24.01.2025 passed by the Sub-Court, Neyveli, in E.P.No.94 of 2022.

3.I have heard Mr.J.Rajmohan, learned counsel for the revision petitioner in both these revision petitions and Mr.K.Gandhi Kumar, learned counsel for the contesting 1st respondent in both the revision petitions.

4.The revision petitioner claims to be a legal heir of one K.Pandian, who was the defendant in O.S.No.130 of 2007 on the file of the Sub-Court, Cuddalore. A decree for Rs.1,72,690/- was passed in the said suit and the 1st respondent, as decree holder, filed E.P.No.94 of 2022 for recovery of an amount of Rs.2,35,670.50/-. In the execution proceedings, Court auction was held and the property belonging to the defendant, K.Pandian, measuring 75 cents of agricultural land was brought for sale in public auction. E.A.No.316 of 2019 was filed by the judgment debtors, invoking Order XXI Rule 89 of CPC to set aside the sale. In the meantime, admittedly, E.P.No.316 of 2019

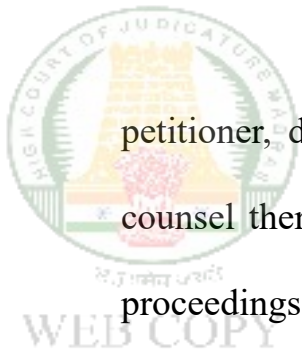


was transferred to the file of the Sub-Court, Neyveli, from the file of the Additional Sub-Court, Cuddalore and renumbered as E.P.No.94 of 2022.

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5.The grievance of the revision petitioner is that no notice was served on the petitioner's husband, the defendant in the suit and he also passed away on 15.01.2024 and without recording the factum of demise and also without notice to the legal heirs, the auction sale was conducted on 29.08.2024. On coming to know of the auction proceedings, the petitioner filed an application under Order XXI Rule 90 of CPC to set aside the auction, alleging irregularities. The executing Court, however, without taking up the application filed by the petitioner, confirmed the auction and closed the EP and rendered a finding that EA was not maintainable.

6.Mr.J.Rajmohan, learned counsel appearing for the revision petitioner states that valuable agricultural lands worth more than Rs.25 lakhs have been brought for sale, fixing an upset price and sold for a pittance of Rs.3,30,000/- for recovery of the decretal amount of Rs.2,35,670.50/-. At the time of admission, the learned counsel for the petitioner has stated that the petitioner is willing to sell the property by compensating the decree holder, as well as the auction purchaser, by depositing the amounts. This Court granted an order of status quo, on the condition that the petitioner deposits Rs.4 lakhs to the credit of E.P.No.94 of 2022. The learned counsel for the petitioner states that the said conditional order has been complied with and possession remains with the

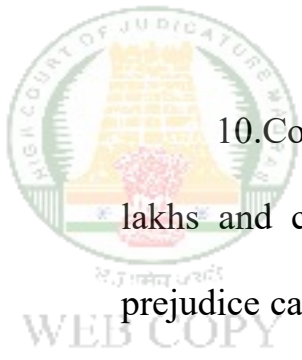


petitioner, despite the auction proceedings and the confirmation of sale. The learned counsel therefore states that the petitioner may be given an opportunity to contest the proceedings, by directing the executing Court to entertain the EA filed by the revision petitioner under Order XXI Rule 90 of CPC.

7. Per contra, Mr.K.Gandhi Kumar, learned counsel appearing for the contesting 1st respondent would state that the death of the K.Pandian, one of the judgment debtors was not brought to the notice of the Court and being strangers, neither the decree holder nor the auction purchaser, can be found fault with and it was for the petitioner to have brought the notice of death to the Court, as well as the decree holder and having failed to do so, the petitioner has to suffer the consequences. He would therefore state that auction sale has been confirmed and it is not open to re-open the same and he would therefore pray for dismissal of the revisions.

8. I have carefully considered the submissions advanced by the learned counsel on either side.

9. Admittedly, the suit was laid for recovery of money. It is in the said suit that the decree for money was passed and pursuant to the default committed by the judgment debtor, the property of the judgment debtor was brought for sale in public auction.



10. Considering the fact that the petitioner has already deposited a sum of Rs.4 lakhs and continues to be in physical possession of the property, I see no serious prejudice caused to the respondents, if the executing Court takes up the Order XXI Rule 90 of CPC application filed by the petitioner and decide the same on merits and in accordance with law, expeditiously, after giving fair opportunity to all interested parties, especially, the petitioner, the decree holder, as well as the auction purchaser.

11. In the light of the above, the Civil Revision Petitions are disposed of, directing the executing Court to number the Order XXI Rule 90 of CPC application filed by the petitioner and dispose of the same, after affording fair opportunity to both the parties, by end of June 2026. Subject to the result of the order to be passed in the said application, it shall be open to the parties to appropriate the amount of Rs.4 lakhs deposited in compliance with an interim order passed by this Court, at the time of admitting the revision petitions. In the meantime, it shall be open to the petitioner to also negotiate with the decree holder, as well as the auction purchaser and settle both their claims. Original Application if any, filed by the petitioner shall be returned to the learned counsel for the petitioner, across acknowledgment to be re-presented before the Executing Court, within a period of one (1) week from the date of the copy of this order being uploaded in the High Court Website. There shall be no order as to costs.

27.02.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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P.B.BALAJI.J,

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To

The Sub-Court, Neyveli.

Pre-delivery order made in
CRP.Nos.1466 & 5613 of 2025

27.02.2026