



WEB COPY

CRP No. 1990 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 1990 of 2026

S.Balaji
S/o.Senniappan,
No.37, Bangaru Naicken Street,
Anna Salai, Chennai 600 002.

..Petitioner(s)

Vs

1. Vikash Kumar
S/o.Mahaveer Chand,
No.93, Cementery Road,
Royapuram, Chennai 600 013
2. The Madras Rattan Bazaar Road Cabinet and
Rattan Merchants Charities Sabha
represented by its Trustees, K.Kamal,
S/o. Balachandraraj,
Having Office at No. 18,
Chidambaranathan Street,
Opposite to Stanley Hospital,
Royapuram, Chennai-13.

..Respondent(s)

Civil Revision Petition filed under Section 115 CPC to set aside the fair order dated 26.02.2026 passed in E.A.No.4 of 2025 in E.P.No.5441 of 2022 on the file of the XXV Assistant City Civil Court at Chennai.

For Petitioner(s):

Mr.A R.Balaji



ORDER

The revision petition is filed against the order dated 26.02.2026 passed in E.A.No.4 of 2025 in E.P.No.5441 of 2022 on the file of the XXV Assistant City Civil Court at Chennai, dismissing the petitioner's petition to amend the payment-out petition by incorporating the bank account details in the petition.

2. The petitioner was the successful auction purchaser in the Court auction conducted on 10.09.2024, for sale of the schedule mentioned property, for a sum of Rs.1,40,65,000/-. On the very same day, he paid 25% of the auction price *i.e.* Rs.30,94,270/- by way of demand draft in favour of the Registrar of the City Civil Court. Since the petitioner failed to pay the balance auction price of Rs.1,09,70,730/-, within the stipulated time, the XXV Assistant City Civil Court ordered resale of the said property on 03.10.2024. The petitioner filed E.A.No.1 of 2025 seeking refund of the 25% of the auction amount paid by him and the said application was allowed on 19.03.2025 permitting the petitioner to withdraw the sum of Rs.30,94,270/-. The petitioner, due to oversight, did not enclose the correct bank account details at the time of filing the payment-out petition and therefore, he filed E.A.No.4 of 2025, to amend the bank account particulars. The petition was taken on file on 21.04.2025 and thereafter, the order rejecting the petition was passed on 26.02.2026. Aggrieved by the said order, the petitioner has filed the present revision petition.



3. The learned counsel appearing for the petitioner submitted that the Executing Court failed to note that the petitioner already filed C.R.P.No.4771 of 2024 challenging the docket order passed by the Executing Court, rejecting the petitioner's request for extending the time to deposit the full purchase money and that while disposing the said C.R.P. on 25.11.2024, this Court directed the Executing Court to return the minimum deposit paid by the petitioner after deducting the defraying expenses of the sale process, within a period of four months from the date of receipt of a copy of the order. The learned counsel submitted that since the petitioner had inadvertently given wrong particulars of his bank account, he filed the petition to amend the payment-out petition by incorporating the correct bank account details. The learned counsel submitted that in an erroneous view the Executing Court rejected the application by referring to certain irregularities committed by the decree holder and the judgment debtor and on certain serious revelations it noted from the records.

4. As rightly contended by the learned counsel for the petitioner, the petitioner, as an auction purchaser, had no connection whatsoever with the alleged disputes and the irregularities committed by the decree holder and the judgment debtor. All that the petitioner sought is an amendment of the payment-out petition, so as to recover the 25% amount paid by him, as per the direction of this Court in C.R.P.No.4771 of 2024.



5. The Executing Court even without discussing how the disputes and irregularities committed by the decree holder and the judgment debtor affected the petitioner's petition for amendment of the bank account details for the purpose of refund, rejected the application. This Court finds that in the absence of any details of the so called serious revelations and its effect on the petitioner's application, the order of the Executing Court rejecting the petitioner's amendment application cannot be sustained.

6. In view of the above, this Court finds merit in this revision petition. The Executing Court is directed to entertain the petition in E.A.No.4 of 2025, carry out the necessary amendment in the payment-out petition and thereafter, return the amount to the petitioner after deducting the defraying expenses for the sale process. The Executing Court shall complete the above process within a period of four weeks from the date of receipt of a copy of this order.

With the above observations and directions, this civil revision petition stands disposed of. No costs.

09-04-2026

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



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To

The XXV Assistant Judge,
City Civil Court at Chennai.



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N.MALA J.

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