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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 2001 of 2019
C.M.P.No.12996 of 2019
CNR: {HCMA010820812019}

Gowri Shankar
Case QR
..Petitioner(s)

Vs

1. Sivanandam (died)
   Ayyadurai Chettiyar @ Thandavaraya Chettiyar Died
   Rajavel Chettiyar Died
2. Viruthammal
3. Jegammal
4. Thillakannu
5. Ranganayaki
6. Arunagiri
7. Vijiyan
8. Paripoorani
9. Sivasankari
10. Jaya
11. Revathi
12. Settu
13. Dhanam
14. Poonkodi
15. Devi
16. Ramya
17. Saridha
18. Suresh

RR10 To 18 brought on record as LR's of the Deceased R1 vide order of Court Dated 16.04.2026 made in C.M.P.Nos.9255, 9262, 9267 of 2026 in C.R.P.No.2001 of 2019 (KBJ)

..Respondent(s)

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Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the order and decreetal order dated 09.11.2018 passed in EA.No.167 of 2016 in E.P.No.33 of 2007 in O.S.No.532 of 1998 on the file of Additional District Munsif Court, Triupattur, Vellore district.

For Petitioner(s): Mr.R.Ramesh
For Respondent(s): M/s.D.Chitra Maragatham

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court dismissing the obstruction petition filed by the petitioner.

2.The first respondent herein filed a suit seeking recovery of possession against the predecessor in interest of the petitioner namely Ayyadurai Chettiyar @ Thandavaraya Chettiyar and one Rajavel Chettiyar. The first respondent claimed right over the subject property under a Court auction sale conducted on 08.08.1995 in R.E.P.No.620 of 1982 in O.S.No.1126 of 1974. The said Court auction sale was confirmed by issuance of sale certificate dated 08.03.1996. The first respondent on the strength of the sale certificate issued by the Court filed a suit for recovery of possession against the Judgment Debtor in O.S.No.1126 of 1974. It appears first respondent failed to file an application seeking delivery of the property within one year from the date of confirmation of the sale as per Order XXI Rule 95 of Code of Civil Procedure and hence, he was constrained to file a separate suit for recovery of possession based on title in O.S.No.532 of 1998. The said suit was decreed in favour of the first respondent. Thereafter, the

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first respondent filed an application seeking delivery in E.P.No.33 of 2007. The petitioner herein who is none other than the son of Rajavel Chettiyar who was arrayed as the second defendant in the suit filed instant application on the strength of the settlement deed executed by Judgment Debtor dated 02.02.1998 and the said obstruction application was dismissed by the Executing Court. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel for the petitioner would submit that on the date of filing of the suit by the first respondent the defendants in the suit were not owners of the property and the property was settled by them in favour of the petitioner. Therefore, the suit filed by the first respondent was not at all maintainable against the defendants.

4.It is seen from the impugned order and the typed set of papers, the first respondent purchased the suit property in a Court auction sale conducted in R.E.P.No.620 of 1982. The petitioner is claiming right over the subject property under a settlement deed executed by original Judgment Debtor. The sale was confirmed in favour of the first respondent as early as 08.03.1996. Therefore, after confirmation of the sale, the Judgment Debtor had no right to execute the settlement deed in favour of petitioner who is none other than his son.

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S.SOUNTHAR, J.

5.The obstruction petition is maintainable only by a person who is claiming independent right over the subject property. In the case on hand, the petitioner claims title to the subject property under a settlement deed executed by the Judgment Debtor. The Executing Court rightly observed the settlement deed executed in favour of the petitioner subsequent to the confirmation of sale in favour of the first respondent was a void transaction and the same will not confer any title to the petitioner and dismissed the execution application filed by the petitioner. I do not find any error in the said order passed by the Executing Court. Accordingly, the Civil Revision petition stands dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

04-11-2026

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

EP
To:-
The Additional District Munsif Court,
Tirupattur,
Vellore.

CRP No. 2001 of 2019

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