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CRP No. 2109 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2109 of 2026 and CMP No.9278 of 2026

1. Varadarajan K
S/o.Karuppanan, No.201 Mettupatty
Colony, Mettupatty Village, Valapadi tk.,
Salem Dist 636 111.

Petitioner(s)

Vs

1. Indrani K
W/o.Kamaraj, no.12/10 TKS, 2nd Street,
Thiruvallur, Madhavaram, Chennai 600
019, Now Rest.at No.3/643,
Melchitoor,Chitoor(Post), Idappadi (VIa),
Salem 637 101.
2.Pappu alias Nallammal
W/o.Late Senkottiyan, Rest.at Mettupatti
Nadar Colony, Mettupatti Post, valapadi tk.,
Salem Dist 636 111.
3.Venkadachalam
S/o.Late Senkottiyan, Rest.at Mettupatti
Nadar Colony, Mettupatti Post, valapadi tk.,
Salem Dist 636 111.
4.Tamilselvi
W/o.Venkatachalam, Rest.at Mettupatti
Nadar Colony, Mettupatti Post, valapadi tk.,
Salem Dist 636 111.
5.Uma Maheswari
W/o. Madaiyan, Karuppasamy Koil,
Mavakkanpatti Post, Sivathapuram via,



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Salem west Tk., Salem Dist.

6.Rajammal alias Rajamani

W/o.Palanivel, Karukkupuram. Near
Gurusampalayam, Konnavelampatti Post,
Rasipuram Tk., Namakkal Dist.

7.Anjalam

W/o.Krishnamoorthy, Mettupatti Nadar
Colony, Mettupatti post, Valappadi Tk.,
Salem Dist.

Respondent(s)

Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 27.02.2026 made in E.A.No.9 of 2026 in E.A.No.4 of 2024 in E.P.No.100 of 2020 on the file of First Additional Subordinate Judge, Salem.

For Petitioner(s): S.Arjun

For Respondent(s): M/s.T.S.Vijayaraghavan
For R.1
Rr2 To 7 - Service Awaited

ORDER

The revision petitioner is the third party claimant in E.A.No.4 of 2024. Before the executing Court, the revision petitioner has filed claim petition in E.A.No.4 of 2024 and the said petition was dismissed by the executing Court for non-appearance of the petitioner on 19.12.2025 and to restore the same the revision petitioner has filed an application in E.A.No.9 of 2026 and the same was dismissed by the executing Court holding that the petition was filed only to prevent the decree holder from taking



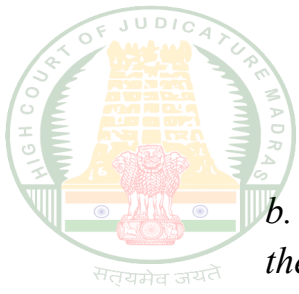
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possession and the executing Court has also held that insufficient reason has been given for the petitioner's non-appearance. Aggrieved by the same, the present revision has been filed.

2. Learned counsel for the revision petitioner submits that the executing Court ought to have given an opportunity of hearing to the revision petitioner, without which, the application for restoration which was dismissed by the executing court, is erroneous and the same is liable to be set aside.

3. By way of reply, the learned counsel appearing for the decree holder submits that the claim made by the revision petitioner was already negated by this Court in W.P.No.34189 of 2024 along with CRP No.539 of 2026, where the revision petitioner was the petitioner in WP No.34189 of 2024 and this Court observed as follows:-

“ a. The petitioner challenged the cancellation of his allotment in CMA (cs) ____ of 2024 with a delay of 590 days. The condone delay petition in the said CMA (CS) was dismissed on 04.08.2025. Against the dismissal of condone delay petition in CMA (CS)_____ of 2024, C.R.P.No.539 of 2026 has been filed and it is pending.



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b. The petitioner also filed W.P.No.34189 of 2024 challenging the allotment in favour of the 1st respondent. In the said writ petition a contention was taken by the petitioner, that original allotment in favour of the 1st respondent in the year 2000 itself is fraudulent. Therefore this Hon'ble Court exercising its inherent jurisdiction directed the statutory authorities to conduct an enquiry as to the legality of the allotment in favour of the 1st respondent in the year 2021. Pursuant to the same an enquiry was conducted and it was found that the allotment was proper. Thereafter the writ petition was closed recording the enquiry proceedings. About the writ petition, a passing reference alone has been made without producing the copy of the order passed in the typed set of papers, which is being now produced by the 1st respondent."

4. Therefore, the claim made by the revision petitioner was already negated by this Court in W.P.No.34189 of 2024 and 539 of 2026. As rightly pointed out by the executing Court only to prevent the decree holder from taking possession, the revision petitioner has filed the vexatious application.

5. In the light of the above, I do not find any reason to interfere with the order passed by the executing court.



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6. In the result, the civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

22.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The I Additional Sub Court, Salem



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