



WEB COPY

CRP No. 2262 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2262 of 2026

D.Ramanujam Devadass
S/o. Deivasigamani Devadoss,
No.27, 1st Cross Street,
Diamand Nagar, Oulgaet, Puducherry.

..Petitioner(s)

Vs

S.Namasivayam
S/O. Sadasivam,
No.67, West Street,
Villianur Commune, Puducherry.
Rep. by his POA Kathavarayan,
No.25, Avvaipalayam Street, Panruti,
Cuddalore District.

..Respondent(s)

CRP No. 2262 of 2026

To set aside the impugned order passed by the Honble III Addl.Dist.Judge, Puducherry dated 27-01-2026 in EP.No.266 of 2020 and consequently, dismiss the same.

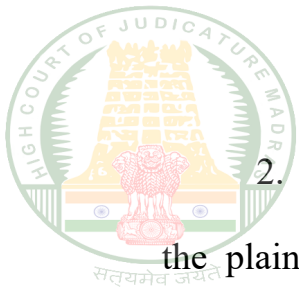
CRP No. 2262 of 2026

For Petitioner(s): Mr.E.Chandrasekaran

For Respondent(s): Sole Respondent - Unclaimed

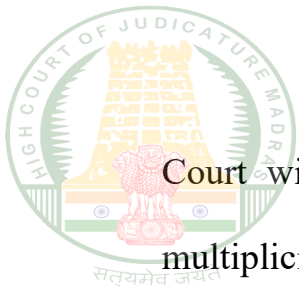
ORDER

This Civil Revision Petition has been filed to set aside the impugned order dated 27.01.2026 in E.P.No.266 of 2020 passed by the III Additional District Judge, Puducherry.



2. The learned counsel for the petitioner would submit that the petitioner/ the plaintiff filed the suit in O.S. No.125 of 2013 on the file of the IIIrd Additional District Judge, Puducherry, seeking for the relief of specific performance of the Sale Agreement dated 19.07.2012. The Trial Court decreed the suit in favour of the plaintiff directing the defendant to execute the sale deed in favour of the plaintiff/petitioner after receiving the balance of sale consideration. Vide Judgment and Decree dated 15.11.2019. However, the defendant/respondent failed to comply with the aforesaid Judgment and Decree. Hence, the plaintiff filed the Execution Petition in E.P. No.266 of 2020 before the Trial Court seeking for execution of sale deed in favour of the petitioner as per the terms of the sale agreement dated 19.07.2012. The Execution Court without considering the prolonged litigation for about 13 years, erroneously dismissed the aforesaid Execution Petition observing that stay granted by this Court in favour of the respondent is vacated. However, as A.S. No.406 of 2021 is pending before this Court, the Execution Petition is kept pending at this stage and final orders shall be passed in the petition after the disposal of the appeal.

3. It has been further submitted that even after full payment as agreed in Sale Agreement dated 19.07.2012, the petitioner could not even execute the sale deed in his favour and take possession of the suit property. Even though the decree was passed in favour of the petitioner, he could not enjoy the fruits of the decree. The respondent/defendant had filed A.S. No.406 of 2021 before this



Court with a malafide intention to drag on the suit proceedings to create multiplicity of litigation, by which the respondent obtained interim stay in the initial stage and later the stay was vacated in CMP No.17795 of 2021 in A.S.No.406 of 2021 as early as on 26.09.2025. Under such circumstances, the Trial Court has dismissed the Execution Petition merely on the ground that an Appeal in A.S. No.406 of 2021 is pending before this Court.

4. In support of his arguments, he relied upon the various judgments passed by the Hon'ble Supreme Court. In particular, he pointed out the case in Periyammal (Dead Thr. Lrs) & Ors. Vs. V. Rajamani and Anr. wherein it is observed as follows:

5. We direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side.



5. Heard the learned counsel for the petitioner and perused the materials available on record.

WEB COPY

6. On perusal of the records, it is seen that the plaintiff/petitioner filed the suit for specific performance in the year 2013 and the same was decreed in the year 2017. Thereafter, as the defendant/respondent failed to comply with the decree of the Trial Court, the petitioner filed E.P. No.266 of 2020 before the Trial Court seeking to execute the sale deed in his favour. It is admitted fact that the respondent has filed A.S. No.406 of 2021 before this Court being aggrieved by the Judgment and Decree dated 15.11.2019 passed by the Trial Court. Even though this Court granted interim stay therein, later, it has been vacated in C.M.P. No.17795 of 2021 in A.S. No.406 of 2021. When there is no stay in the aforesaid appeal, the Execution petition is liable to proceed with in terms of the Judgment and Decree dated 15.11.2019 and there is no need to wait till the disposal of the aforesaid appeal.

7. Having considered the aforesaid observations of the Hon'ble Supreme Court, the Trial Court has to be decided the said Execution petition within a period six months while there is no stay in the appeal. Under such circumstances, the Trial Court without considering the aforesaid facts has erroneously dismissed the execution petition filed by the petitioner. Hence, the order dated 27.01.2026 in E.P. No.266 of 2020 is hereby set aside and restored



to pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order in accordance with law. The petitioner-Decree holder is directed to proceed with the execution petition in the manner known to law.

8. With the aforesaid directions, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

09-06-2026

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

Lbm

To:
The IIIrd Additional District Judge,
Puducherry



WEB COPY

CRP No. 2262 of 2



T.V.THAMILSELVI J.

Lbm

CRP No. 2262 of 2026

09-06-2026