



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

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

CRP No. 2940 of 2026

AND

CMP NO. 12076 OF 2026

M.Sivanmalaiappan,
S/o.Late Mylsami Gounder,
1/144, Avarangattuthottam,
Mettubavi Village,
Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.

..Petitioner(s)

Vs

1. Easwari,
W/o.Mandhiriyappa Gounder,
Mettubai Village,
Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
2. Rathinam,
W/o.Late Selvamuthukumarasamy,
Mettubai Village,
Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
3. Chandraghanthi,
W/o.Ramasamy Gounder,
Chettipalayam Post,
Pothanur Via., Coimbatore.

Lakshmi (Deceased)
Krishnasamy (Deceased)
Mylsamy(Deceased)



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4. Chinnathangam,
W/o.Sivaprakasam,
Chinnur, P.Vaduganpalayam PO.,
Palladam Taluk.
5. K.Devathal,
W/o.Late Krishnasamy Gounder,
1/144, Avarangattuthottam,
Mettubavi Village, Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
6. Palanisamy,
S/o.Late Krishnasamy Gounder,
1/144, Avarangattuthottam,
Mettubavi Village, Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
7. M.Kamalam,
W/o.Late Mysamy Gounder,
1/144, Avarangattuthottam,
Mettubavi Village, Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
8. M.Kathiresan,
S/o.Late Mysamy Gounder,
1/144, Avarangattuthottam,
Mettubavi Village, Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.
9. Parameswari,
W/o.Late Mani and
D/o.Late Krishnasamy Gounder
1/144, Avarangattuthottam,
Mettubavi Village, Vadachittur Via,
Kinathukadavu Taluk,
Coimbatore District.

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to Strike Out the E.P.No.22 of 2026 in O.S.No.471 of 2007 on the file of the District Munsif Court, Pollachi, and allow the CRP.

For Petitioner(s): Mr.M.Marudhachalam

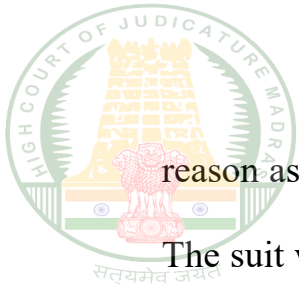
For Respondent(s): Ms.S.Akila For R1 To R4

R5 To 9 - Service Awaited

ORDER

This Civil Revision Petition has been filed seeking to strike off the petition filed in E.P.No.22 of 2026 in O.S.No.471 of 2007 before the learned District Munsif, Pollachi.

2. Before the Executing Court, the respondents/decreed holders 1 to 3 have initiated execution proceedings in E.P.No.22 of 2026 against the revision petitioner, wherein he has not appeared, since after the death of father, he was not aware of the proceedings. So, he filed the application in I.A.No.5 of 2025 to set aside the exparte order dated 21.07.2022 as the petitioner was not able to appear in the suit as well as in the final decree application filed in I.A.No.1 of 2022 and the said application was consequently dismissed for default. However, he preferred an appeal in A.S.No.36 of 2018, which was also dismissed as steps were not taken. So, as on date, no proceedings is pending against the final decree. Therefore, the plaintiff had filed the said execution petition and as on date, there is no stay proceedings against the Execution Petition. Hence, the



reason assigned to strike off the proceedings of E.P. as such is not maintainable.

The suit was decreed on contest. As on date, no appeal is also pending. If at all,

the revision petitioner is having any grievance, he has to work out his remedy

either by preferring an appeal or to file the restoration application. Thus, the

filing of E.P. as such is maintainable and it does not require any interference.

Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently,

connected civil miscellaneous petition is closed.

09-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The District Munsif, Pollachi.



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T.V.THAMILSELVI J.

RPP

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