Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 4674 of 2026 and
CMP No.20530 of 2026

CNR: {HCMA011208472026}

R.Mohanraj
S/o. Rangasamy Konar,
D.No.252, Anuparpalayam,
Coimbatore.

..Petitioner(s)

Vs

1. K.Rangasamy, S/o. Kuppusamy Konar,
   D.No.10/71, N.No.252,
   Anuparpalayam, Dr. Nanjappa Road,
   Coimbatore.

2. R. Gopalakrishnan, S/o. Rangasamy Konar,
   Karpaga Vinayakar Lottery Agency,
   Raja Theatre Road, Covai.

3. R. Latchumanan, S/o. Rangasamy Konar,
   D.No.252, Anuparpalayam,
   Coimbatore.

4. Sulochana, D/o. Rangasamy Konar,
   D.No.1-9, Venkatasamy layout,
   Kattoor, Coimabtore.

5. Dhanalaskhmi, D/o. Rangasamy Konar,
   D.No.12, RHS Lalbagadur Nagar,
   Cross Street, Peelamedu, Coimabtore.

6. Savithri, D/o. Rangasamy Konar,
   D.No.208, Machchanaickenpalayam,
   Coimbatore.

7. Bakkiyalakshmi, D/o. Rangasamy Konar,
   D.No.18-19, Krishnar Kovil St,
   Ramanthapuram, Coimbatore.

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K. Mani (died)
M. Sagunthala (died)

8. G. Dhanapakkiyam, W/o. Gopalakrishna (late),
   D.No.124, N.A. Thevar St,
   Ramanathapuram, Coimbatore.

9. Sivakami, W/o. Thangavel,
   Merku Bajanai Madam Veethi,
   Dharapuram

10. M. Shanmugavel, S/o. K. Mani,
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

11. Beenakumari, W/o. Ramakrishnan (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

12. R. Dhanush, D/o. Ramakrishnan (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

13. R. Lokesh, S/o. Ramakrishnan (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

14. Annapoorani, W/o. Sivalingam (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

15. S. Nagamanickam, S/o. Sivalingam (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

16. S. Nagaraj, S/o. Sivalingam (late),
    D.No.253, Anuparpalayam,
    Ram Nagar, Kattoor, Coimbatore.

..Respondent(s)

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in E.P No.127/2005 in OS No.153 of 2004 dated 12.03.2026 on the file of the II Additional Subordinate Court of Coimbatore.

For Petitioner(s): Mr. C.Deivasigamani

ORDER

The learned counsel for the petitioner filed a memo dated 28.10.2026 stating that the 10th respondent died on 05.10.2026 and the same is recorded.

2. This civil revision petition has been filed challenging the order passed by the Executing Court, allowing the Execution Application filed by the respondents 8 to 16/ decree holders seeking delivery of the suit property.

3. It is seen from the typed set of papers that the contesting respondents 8 to 16 obtained a decree for recovery of possession the suit property against the petitioner and the respondents 1 to 7. The said decree was put into execution in E.P.R.No.127 of 2005. Earlier delivery was ordered and the Senior Bailif, who went to the property to effect delivery, met with resistance and therefore, he returned the warrant, with a report, indicating difficulty in effecting delivery. Thereafter, the decree holders filed an application in E.A.No.13 of 2022 seeking order for break open. The said said execution application was allowed.

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Aggrieved by the same, the petitioner, who is the 4th Judgment Debtor filed a civil revision petition in CRP No.1832 of 2024. Since the petitioner herein asserted that he was not present when the Bailif visited the property to execute the warrant and there was no resistance by him, this court directed the Executing Court to examine the Bailif and give opportunity to the petitioner to cross examine the Bailif. In the said revision order, it was also stated that in case, the Executing Court come to the conclusion that the report submitted by the Bailif was true, the break open order already passed by the Executing Court need not be disturbed. The said order also reads that in case Executing Court satisfied with the reasoning given by the petitioner, he can be permitted to advance arguments in the main Execution Petition. This Court also issued a direction to the Executing Court to dispose of the main execution petition on or before 31.03.2026.

4. Pursuant to the direction issued by this court in the above said civil revision petition, the Executing Court examined the Bailif and permitted the petitioner to cross examine him. During the course of cross examination, the Bailif deposed that during his visit to the suit property, the petitioner Mohanraj was present and he resisted delivery of the property and then left the scene. Based on the statement of the Bailif before the court and also his report, the Executing court came to the conclusion that no prejudice would be caused to the petitioner, if permission for break open, Village Assistant Officer's assistance,

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and police aid are granted to the respondents/decree holder to execute the delivery warrant and passed impugned order for delivery. It is also seen from the typed set of papers that though the main execution petition was resisted on the ground that the judgment debtor filed an appeal before the first appellate court, no document has been produced before the court for having obtained any order for stay of execution. In such circumstances, the executing court rightly came to the conclusion that the decree holders were entitled to delivery of possession, as per the decree and passed the impugned order for effecting delivery. I do not find any serious irregularity or illegality in the order passed by the Executing Court.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

28-10-2026

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

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To

The II Additional Subordinate Judge,
Coimbatore.

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S.SOUNTHAR, J.

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