

WEB COPY

CRP No. 3616 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE P.B. BALAJI**

**CRP Nos. 3616 & 3618 of 2026**

**and**

**CMP Nos. 15726 & 15721 OF 2026**

**CRP. No.3616 of 2026**

Prakash

..Petitioner in CRP. No.3616 of 2026

Panneerselvam

..Petitioner in CRP. No.3618 of 2026

Vs

1. Parvathi  
Muthammal (died).
2. Rajamma
3. Rajappa
4. Alamelu
5. Venkatachalam
6. Thangaraj
7. Madhammal
8. The President  
Pukkampatti Panchayath,  
Pukkampatty Village,  
Mettur Tk., Salem District.
9. The District Collector  
Salem, Salem District.
10. The Thasildar,  
Mettur, Mettur Tk.,  
Salem District.

..Respondents in both CRPs

**PRAYER in CRP. No.3616 of 2026:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 15-06-2026 made in EA.SR.1548 of 2026 in EP.No.31 of 2023 in OS.No.220 of 2000 (on the file of the Court of the Dist.Munsif, Mettur, Salem District).



**PRAYER in CRP No. 3618 of 2026:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 10-06-2026 made in EA.SR.1509 of 2026 in EP.No.31 of 2023 in OS.No.220 of 2000 (on the file of the Court of the Dist.Munsif, Mettur, Salem District).

For Petitioner(s): Mr.C. Kathiravan in both CRPs

For Respondent(s): V.Sekar for R1 in both CRPs  
Mrs.S.Yogalakshmi,  
Government Advocate for R9 and R10  
in both CRPs.

### **COMMON ORDER**

The revision petitioners have challenged rejection of unnumbered Execution Applications at the SR stage. The revision petitions have been taken up for final disposal.

2. I have heard Mr.C. Kathiravan, learned counsel for the petitioners and Mr.V.Sekar, learned counsel for the contesting first respondent and Mrs.S.Yogalakshmi, learned Government Advocate for R9 and R10 in both the revision petitions.

3. The petitioners claiming that they have purchased an extent of 527.05 sq.ft (CRP. No.3616 of 2026) and 29 1/4 feet X 18 3/4 feet (CRP. No.3618 of 2026) filed claim petitions under Order 21, Rule 58 and 96 of CPC. The said



Applications have been dismissed even at the stage of numbering. The learned counsel for the petitioners states that the Executing Court ought to have numbered the claim petitions under Order 29 Rule 58 CPC and given an opportunity to the petitioners who are bonafide purchasers for consideration, instead of rejecting the Applications at the SR stage itself. He would therefore pray for the revisions being allowed and an opportunity being granted to the petitioners to canvass their rights before the Executing Court.

4. Per contra, Mr.V.Sekar, learned counsel appearing for the first respondent, decree holder would state that admittedly the petitioners are *pendete lite* purchasers and the title of the first respondent as plaintiff in the suit has already been declared, the vendors of the petitioners were parties to the said litigation and therefore, the petitioners cannot claim any better right than what their vendors had.

5. I have paid my anxious considerations to the submissions advanced by the learned counsel on either side.

6. On going through the order of rejection of the Execution Applications at the SR stage, *per se*, I do not see any error committed by the learned District Munsif, Mettur in dismissing the Applications, in fact, the learned counsel for the petitioners did not even appear and argue the matter with regard to the



maintainability of the Applications. The District Munsif Court rightly found that the petitioners claim right only under registered sale deeds in Document No.1634 of 2025 (CRP. No.3616 of 2026) and Document No.1633 of 2025 (CRP. No.3618 of 2026), which is admittedly after the decree passed in the suit on 09.06.2004, declaring the title of the first respondent/plaintiff herein. A decree for mandatory injunction has also been granted to demolish the construction put up by the defendant under the suit, under whom alone the present revision petitioners claim right. It is needless to state that subsequent to the decree, it was unsuccessfully challenged by the defendants under whom alone, the present revision petitioners came upto this Court in Second Appeal proceedings.

7. In view of the above, I am unable to see any infirmity in the findings of the Trial Court warranting interference in revisions. At the same time, in view of the arguments of the learned counsel for the petitioners that the property that has been purchased by the petitioners outside the decreetal property, it would suffice, if a direction is issued to the Executing Court to direct the bailiff to first identify the decreetal property in the presence and assistance of the Taluk Surveyor concerned and both parties. Thereafter, the Executing Court shall proceed to execute the decree in favour of the first respondent/plaintiff. If any portion of the property that has been purchased by the revision petitioners falls outside the decreetal property, then the same shall stand excluded from the



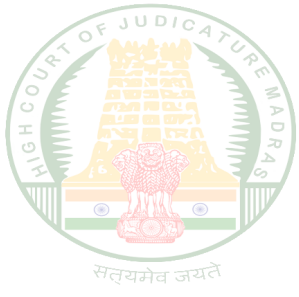
process of execution. If however, it is found that the property purchased by the petitioners forms part of the decreetal property, then the petitioners are bound to surrender possession in obedience of the decree and they cannot complain against the demolition of the construction put up inside the suit property, especially, in the light of the mandatory injunction also being granted for removal of such construction.

8. In the light of the above, the Executing Court shall ensure that the decreetal property is identified and decree is satisfied in the manner indicated herein without any undue delay. The above process shall be completed by end of August 2026.

9. With the above directions, these Civil Revision Petitions are **disposed of**. Consequently connected Miscellaneous Petitions are also closed. No costs.

**02-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
RKP  
To  
1. The District Munsif, Mettur.  
2. The District Collector  
Salem, Salem District.  
3. The Thasildar,  
Mettur, Mettur Tk.,  
Salem District.



WEB COPY

CRP No. 3616 of 2



**P.B.BALAJI J.**

**RKP**

**CRP Nos. 3616 & 3618 of 2026  
and  
CMP Nos. 15726 & 15721 OF 2026**

**02-07-2026**