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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7338 of 2026

CNR: {HCMA012652602026}

Case QR

A.Jayakumar
S/o. Kaliyaperumal,
No.2, Bharathi Mill Street,
(Old Hospital Street)
Mudaiarpet,
Pondicherry-605 004

..Petitioner(s)

Vs

A.Kumar
S/o. Arumugam
No.9, Pillaiyar Koil Street,
Kombakkam,
Villianur Commune,
Puducherry

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decretal order passed in EP.No.20/2023 in O.S.No.158/2017 on the file of the Principal District judge at puducherry dated 18-02-2026 and allow the Revision with costs.

For Petitioner(s): Mr. V.Balamurugan

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ORDER

This Civil Revision Petition has been filed challenging the order passed by the Executing Court, dismissing the Execution Petition filed by the petitioner in E.P.No.20 of 2023 seeking possession of the schedule mentioned property.

2. The petitioner herein/ plaintiff obtained a decree for specific performance in O.S.No.158 of 2017 against the respondent. After execution of the sale deed, pursuant to the decree, the petitioner filed an execution petition in E.P.No.20 of 2023 seeking possession of the property. In the said execution petition, a third party/obstructor filed an application in E.A.No.133 of 2023 under Section 21 Rule 97 of CPC and the same was allowed and as a necessary consequence, the execution petition filed by the petitioner was dismissed. Aggrieved by the same, the petitioner has come before this court.

4. The learned counsel for the petitioner would submit that challenging the order, allowing obstruction petition filed by the third party, the petitioner filed an appeal in CMA Sr No.191300 of 2026 and the same is yet to be numbered. It is further submitted that if the appeal filed by the petitioner is allowed, he is entitled to proceed with the execution petition. Therefore, the

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Executing Court ought not have terminated the execution petition, without giving chance to the petitioner to test the correctness of the order passed by the Executing Court in the appeal.

5. As on today, the obstruction petition filed by the third party was allowed and as a necessary consequence, the execution petition filed by the petitioner was terminated by the Executing Court. In case, the appeal filed by the petitioner challenging the order, allowing obstruction petition is allowed by the appellate court, the petitioner is entitled to seek restoration of the Execution Petition. Therefore, no further order is necessary in this civil revision petition.

6. Accordingly, this civil revision petition is disposed of with the above said liberty. There shall be no order as to costs.

25-11-2026

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

MST

To

The District Judge, Puducherry.

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S.SOUNTHAR, J.

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CRP No. 7338 of 2026

25-11-2026

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