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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. 858 of 2026

CNR: {HCMA012671562025}

Anusuya
W/o.Srinivasan
Chinnapurangani Village, Kadampuliyur Post,
Pantuti Taluk

..Petitioner(s)

Vs

1. Rathinambal, W/o.Chinathambi,
   M.Pudu Village, Cuddalore Taluk.

2. Chinnadurai
   S/o.Vellaiya Padayachi
   (Rep by next friend Manikandan S/o. 2nd respondent)
   Kadampuliyur Village, Panruti taluk.

   Chandrasekaran (Died)
   Sundaravalli (Died)

3. Ramalingam, S/o.late Chandrasekaran

4. Seethapathy, S/o.late Chandrasekaran

5. Saravanan, S/o.late Chandrasekaran
   Re to R5 are residing at Chinnapurangani Village, Kadampuliyur Post, Panruti Taluk.

..Respondent(s)

Prayer: Civil Revision petition is filed under Section 115 of CPC to set aside the Fair and Decretal order in E.A No.33/2024 in E.A No.4/2005 in E.P 33/85 in OS 30of 1983 dated 23.10.2025 on the file of the Learned Subordinate Judge, Panruti and thereby allow the revision.

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For Petitioner(s): Mr. N.Suresh

For Respondent(s): Mr.R.Kishore Kumar for R1

No appearance for R2 to R4

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Executing Court, dismissing the application filed by the petitioner under Section 47 of CPC.

2. The first respondent herein/plaintiff filed a suit in O.S.No.30 of 1983 for recovery of money against one Chandrasekaran, the father of the petitioner as well as respondents 3 to 5 and obtained a decree. The said decree was put into execution in E.P.No.33 of 1985 and the property belonged to the judgment debtor was brought into sale and the same was sold in court auction sale for a sum of Rs.57,260/-. as against the E.P. amount of Rs.46,665/-. The father of the petitioner filed an application under Order 21 Rule 89 and 90 of CPC seeking to set aside the auction sale and to deposit the sale amount. The said application was dismissed. Aggrieved by the same, the petitioner's father filed an appeal in CMA No.58 of 2004 on the file of Principal District Court, Cuddaloreand the same was dismissed on 19.12.2005. Challenging the dismissal of CMA No.58 of 2004, the judgment debtor filed second appeal in CMSA No.12 of 2006 before this court and it was also dismissed on 18.06.2007.

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3. When the auction purchaser attempted to take delivery of the property by filing appropriate application under Order 21 Rule 95 of CPC, the petitioner filed the instant application under Section 47 of CPC seeking permission to deposit the entire decree amount to the credit of execution petition and to set aside the auction sale dated 31.03.1986. The said application was dismissed by the Executing Court. Aggrieved by the same the petitioner has filed the present civil revision petition.

4. The learned counsel for the petitioner would submit that in an appeal filed by the judgment debtor, as per the interim direction, the petitioner's father/ judgment debtor deposited a sum of Rs.57,260/- to the credit of execution petition, however, the same has not been taken into consideration by the executing court at the time of disposing the Section 47 application filed by the petitioner.

5. The petitioner's father /judgment debtor already filed an application under Order 21 Rule 89 and 90 seeking to set aside the sale by depositing the entire sale proceeds. The said application was dismissed and the appeal filed by the judgment debtor as well as the second appeal filed by him before this court were also dismissed. When CMSA No.12 of 2006 filed by the judgment debtor was already dismissed by this court, the petitioner, who is none other than the

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daughter of the judgment debtor is not entitled to maintain an application to set aside the sale, by seeking permission to deposit the amount before the executing court. The points which have been already decided against the judgment debtor cannot re-agitated in the Section 47 application. The Executing Court rightly appreciated the legal position and dismissed the application filed by the petitioner. I do not find any irregularity or illegality in the impugned order passed by the Executing Court.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

28-10-2026

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

MST

To

The Subordinate Judge, Panruti.

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S.SOUNTHAR, J.

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