WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7311 of 2026
C.M.P.No.31502 of 2026
CNR: {HCMA012694312026}

1. M.D.Poonkodi
2. M.D.Kalaimathi

Case QR

..Petitioner(s)

Vs

1. P.K.Balasubramanian
2. Deepa Deva Priya
3. M.Dhanakodi
4. S.Lakshmi
5. M.D.Thirunavukkarasu
6. D.Murugan
7. M.D.Thennarasu

..Respondent(s)

Prayer:- Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, pleased to set aside the Order dated 14.10.2026 passed in E.A.No.09 of 2025 in E.P.No.42 of 2018 in O.S.No.127 of 2017 on the file of the Principal District Judge, Dharmapuri.

For Petitioner(s): Mr.N.R.Balaji

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court dismissing the application filed by the petitioners seeking stay of the execution proceedings initiated by respondents 1 and 2 / Decree Holders against the other respondents who are Judgment Debtors.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.The respondents 1 and 2 filed a suit for recovery of money against the other respondents. The said suit was decreed in favour of the respondents 1 and 2. The decree also created a charge on the properties mentioned in the plaint schedule. Thereafter, the respondents 1 and 2 filed an Execution Petition seeking to bring the properties for sale. The petitioners herein, claiming themselves as sisters of the Judgment Debtors, filed the instant application seeking stay of the execution proceedings. The said application was dismissed by the Executing Court. Aggrieved by the same, the petitioners have come before this Court.

3.The learned counsel for the petitioners would submit that the suit properties are ancestral properties and petitioners are entitled to a share. Therefore, according to the petitioners, if the respondents 1 and 2 are permitted to proceed with the sale of the properties, the interest of the petitioners will be affected. It is also stated that the petitioners already filed a separate suit seeking partition and therefore, till the disposal of the suit, the present Execution Petition shall be stayed.

4.Order XXI Rule 26 of the Code of Civil Procedure can be invoked only by a party to the suit and a third party is not entitled to file an application seeking stay of the execution under this provision. Further, if the petitioners claim any interest or any share in the properties sought to be sold, they can very

https://www.mhc.tn.gov.in/judis

WEB COPY

well file a claim petition before the Executing Court and seek adjudication of their rights over the subject property. It is also open to the petitioners to file an obstruction petition, if the auction purchaser attempts to take delivery of the property.

5.In view of various remedies available to the petitioners under law, this Court is not inclined to accept the argument made by the learned counsel for the petitioners. The Executing Court rightly dismissed the application for stay filed by the petitioners and there is no error in the said order. Hence, the Civil Revision Petition stands dismissed. However, liberty is granted to the petitioners to work out their remedies in the manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition stands closed.

20-11-2026

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

EP
To:-
The Principal District Judge,
Dharmapuri.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR, J.

EP

CRP No. 7311 of 2026
C.M.P.No.31502 of 2026

20-11-2026

https://www.mhc.tn.gov.in/judis