



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 16.02.2026

Judgment pronounced on : 27.02.2026

CORAM

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

CRP.No.345 of 2026
& CMP.No.1962 of 2026

P.Raj Perumal Mudaliar

.. Petitioner

Vs.

1.V.Karunakaran
2.V.Saravanan
3.V.Premshankar
4.Vijaysekar

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order dated 14.11.2025 in unnumbered E.A.G.No.10428 of 2025 in O.S.No.491 of 2019 on the file of the Additional Subordinate Judge, Vellore.

For Petitioner : Mrs.R.T.Sundari

For Respondents : RR1 to 4 Service awaited



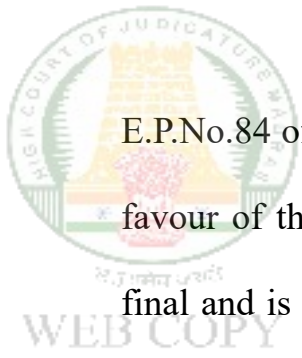
ORDER

The petitioner is a third party, challenging the order in an unnumbered E.A.G.No.10423 of 2025 dated 14.11.2025.

2.I have heard Mrs.T.Sundari, learned counsel for the revision petitioner.

3.Mrs.T.Sundari, learned counsel for the revision petitioner would state that the petitioner had entered into an agreement of sale with the lawful owner of the property and consequent to refusal of the vendor to come forward to execute the sale deed, the petitioner was constrained to file a suit in O.S.No.43 of 2018 for specific performance. The said suit was decreed and the petitioner also filed E.P.No.84 of 2019 for executing the decree for specific performance, which however came to be dismissed.

4.According to the learned counsel for the petitioner, the respondents/decreed holders have filed a suit in O.S.No.491 of 2019 and obtained a decree against the watchman of the property and in order to execute the decree, E.P.No.111 of 2024 was filed, which came to the knowledge of the petitioner. The learned counsel for the petitioner would therefore state that an application was immediately taken out under Order XXI Rule 97 of CPC, with an intention to obstruct to the execution of the decree claiming right under the earlier decree in O.S.No.43 of 2018. The learned counsel for the petitioner would however fairly bring to my notice that the EP filed by the petitioner in

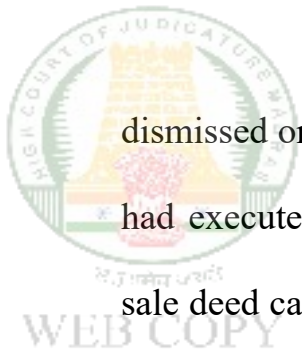


E.P.No.84 of 2019 has been dismissed and as on date, no sale deed has been executed in favour of the revision petitioner. She would however state that the decree has become final and is binding on the lawful owners of the property and the decree in O.S.No.491 of 2019 is a collusive decree, in order to defeat the legitimate rights of the petitioner and therefore, the petitioner ought to be given an opportunity to contest the executability of the decree.

5.I have carefully considered the submissions advanced by the learned counsel for the petitioner. I have also gone through the records, including the impugned order passed by the executing Court, dismissing the application under Order XXI Rule 97 of CPC.

6.No doubt, the petitioner had an agreement of sale to purchase the suit property and the petitioner also filed a suit for specific performance and the suit was decreed on 22.11.2018. Though E.P.No.84 of 2019 was filed, admittedly the said EP has been dismissed and the resultant position is that today, the petitioner has no title to the suit property or any portion thereof. Though it has been contended that the petitioner is willing to file fresh EP, as on date, admittedly, no fresh execution petition has been laid.

7.The petitioner cannot claim title under the decree so long as the sale deed is not executed, conferring title upon the petitioner. In such circumstances, the findings of the executing Court that EP filed by the petitioner in E.P.No.84 of 2019 was admittedly



dismissed on 17.06.2025 and that the original owners, under whom the petitioner claims, had executed a power of attorney in favour of one Ramamurthy in the year 2007 and sale deed came to be executed by the power agent in favour of one Dinesh Kumar in the same year and subsequently, the said Dinesh Kumar has conveyed the suit property to the decree holders in the year 2011, cannot be questioned by the petitioner, based on the decree for specific performance alone are in order. The agreement entered into between the petitioner and his vendors is much later on 03.02.2011, after the property was in fact conveyed in favour of Dinesh Kumar in 2007 itself. Therefore, I do not find any infirmity in the findings arrived at by the executing Court dismissing the application under Order XXI Rule 97 of CPC, warranting interference in revision.

8.In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

27.02.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To
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The Additional Subordinate Judge, Vellore.



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P.B.BALAJI.J.

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Pre-delivery order made in
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27.02.2026