



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 20.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. No.6567 of 2025

S.Baskaran

Petitioner(s)

Vs

1.R.Panneerselvam
2.B.Yogesh
3.B.Yuvasuriya
(Declared as Major,
amended as per order in E.A. No.10 of 2025
dated 24.07.2025)

Respondent(s)

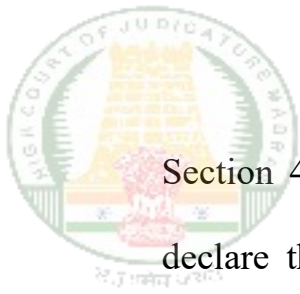
PRAYER: This Civil Revision Petition is filed under Section 115 of CPC, to set aside the fair and final order dated 13.11.2025 passed in E.A. No.5 of 2022 in E.P. No.160 of 2017 in O.S. No.66 of 2015, on the file of I Additional District and Sessions Court, Vellore.

For Petitioner : Mr.T.R.Rajaraman

For Respondents : Mr.P.C.Geethammal for R1
No Appearance for R2 and R3

ORDER

The defendant in a suit for specific performance is the revision petitioner, challenging the dismissal of his application in EA.No. 5 of 2022 filed under



Section 47 of the Code of Civil Procedure, 1908 (in short 'CPC'), seeking to declare that the decree was inexecutable and the proceedings were null and void.

2. I have heard Mr.T.R.Rajaraman, learned counsel for the revision petitioner and Ms.P.C.Geethammal, learned counsel for the contesting first respondent .

3.Mr.T.R.Rajaraman, learned counsel appearing for the petitioner would state that though the petitioner suffered a decree in the suit for specific performance and EP.No.160 of 2017 had been filed, the petitioner questioned the non-service of the draft sale deed on the petitioner as being fatal to the Execution Proceedings by invoking Section 47, apart from other grounds that no guardian was appointed for the minor/third respondent and proper notice was not served under Order 21 Rules 22 and 34 of the Code of Civil Procedure on the petitioner as well as respondents 2 and 3 in the Execution Proceedings.

4. Mr. T.R. Rajaraman, in support of his submissions, has relied on the decision of the Hon'ble Supreme Court in *Rajbir v. Suraj Bhan and another*, reported in 2022 SAR(Civ) 475.



5. Per contra, Ms.P.C.Geethammal, learned counsel appearing for the respondent, would state that the decree for specific performance has become final and the petitioner is putting forth technical objections to deny the fruits of the decree to the respondent/decreed holder and rightly, the Executing Court has dismissed the Section 47 application and the same does not warrant interference in revision.

6. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the impugned order and the decision of the Hon'ble Supreme Court in *Rajbir's case* (referred herein supra).

7. As already discussed, one amongst several other issues that were raised in the Section 47 application and the main and primordial ground of attack was that a copy of the draft sale deed was not furnished to the petitioner, before passing further orders in the Execution Petition. The very same issue was subject matter of dispute before the Hon'ble Supreme Court in *Rajbir's case* (referred herein supra).The Hon'ble Supreme Court held that provisions of Order 21 Rule 34 CPC cannot be diluted as it would result in further litigation. The Hon'ble Supreme Court further held that objections to proposed sale deed have to be necessarily invited and dealt with before the draft sale deed is approved and directed to be executed in favour of the decree holder. The facts of



the said case would squarely apply in all force to the present case as well, as admittedly as it has not been shown to the satisfaction of this Court that the petitioner was furnished with a copy of the draft sale deed and was invited to even file his objections, leave alone addressing such objections subsequently.

8. In the light of the above, the order of the Executing Court has to be necessarily set aside. In fine, the order dated 13.11.2025 is set aside. The Executing Court shall direct the decree holder to furnish a copy of the draft sale deed to the revision petitioner and thereafter, give sufficient time for objections, if any, to such draft sale deed and thereafter, shall enquire and decide the objections before passing further orders in the Execution Petition. With the above observations, the Civil Revision Petition is allowed. No costs.

27.02.2026

rkp

Neutral Citation Case : Yes

Internet: Yes

Index : Yes

To:

The I Additional District and Sessions Court, Vellore.



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. No.6567 of 2025

27.02.2026