



CRP(MD). No.560 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Dated : 27.02.2026**

CORAM

**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**CRP(MD). No.560 of 2026  
and  
CMP(MD) No.2547 of 2026**

Jayakumar

... Petitioner

Vs

1.Chandrakumar

2.Suayambukani Ammal

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order dated 08.07.2025 made in EA No.7 of 2025 in EP No.2 of 2024 in OS No.25 of 2015 on the file of the District Munsif Court, Sathankulam.

For Petitioner : Mr.P.Athimoolapandian

For R1 : Mr.M.P.Senthil

**ORDER**

This Civil Revision Petition has been filed challenging the order dated 08.07.2025 passed in E.A.No.7 of 2025 in E.P.No.2 of 2024 in O.S.No.25 of 2015 on the file of the District Munsif Court, Sathankulam.



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2.The respondents/plaintiffs filed a suit in O.S.No.25 of 2015 on the file of the District Munsif Court, Sathankulam, for the relief of declaration, recovery of possession along with other reliefs. The suit was decreed on 18.08.2022. Subsequently, the respondents initiated execution proceedings in E.P.No.2 of 2024 for delivery of possession and the same was allowed on 27.08.2024. Challenging the same, the petitioner/first defendant preferred E.A.No.7 of 2025 and the same was also dismissed on 08.07.2025. Hence, the Revision.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the petitioner has already preferred an appeal challenging the judgment and decree, dated 18.08.2022 and in such appeal, notice was also ordered. He would therefore contend that initiating or proceeding with execution at this stage would be premature and unwarranted, as the rights of the parties are still *sub judice* before the appellate court. The petitioner thus seeks appropriate orders to defer or stay the execution proceedings until the appeal is finally adjudicated.



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4.The learned counsel for the first respondent would submit that the petitioner has been consistently attempting to stall the execution proceedings by filing one application after another, which have been negated by the Court on earlier occasions. He would further submit that the present application is also nothing but a continuation of such dilatory tactics filed with the sole intention to protract the proceedings and delay the lawful execution of the decree. Hence, he prays for dismissal of this petition.

5.Heard the learned counsel on either side and perused the records.

6.Admittedly, O.S.No.25 of 2015 filed by the respondents was decreed on 18.08.2022 and challenging the judgment and decree dated 18.08.2022, the petitioner has preferred an appeal in A.S.No..... of 2022 before the Subordinate Court, Tiruchendur.

7.Be that as it may, even though it is the main contention of the learned counsel for the petitioner that since the appeal has been filed and the same is pending consideration, the trial Court shall not



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proceed further, this Court is of the considered view that mere filing of an appeal before the Court is not, by itself, a valid ground to set aside or stall the EP proceedings.

8.It is well settled that unless the party obtains a specific interim order or stay from the appellate Court, the decree remains executable and the Executing Court is bound to proceed with the execution of the decree.

9.In the case on hand, the petitioner has only stated that an appeal has been preferred before the concerned Court and notice was ordered. However, no material has been placed before this Court to show that any interim stay or order has been granted by the first appellate Court, restraining the execution of the decree. In the absence of such an interim order, the Executing Court was perfectly justified in proceeding with the Execution Petition.

10.Further, this Court finds that the trial Court, after considering the pleadings and materials available on record and also considering the order passed by this Court in CRP.Nos.914 and 915 of 2025, arrived at its conclusion. The view taken by the Court below



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cannot be said to be erroneous or illegal, as this Court finds no  
illegality or infirmity in the same.

11.In fine, the Civil Revision Petition stands dismissed. No  
costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
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**27.02.2026**

To

The District Munsif, Sathankulam.



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**N.SENTHILKUMAR, J.**

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