



C.M.P.(MD) No.14778 of 2025
in
C.M.A.No.1705 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.P.(MD) No.14778 of 2025
in
C.M.A.(MD) No.1705 of 2024

M.K.Muthukumaran

...Petitioner/Appellant

vs.

1.S.Muthupandi

2.M.Chandran

...Respondents/Respondents

PRAYER: Civil Miscellaneous Petition is filed under Order XLI Rule 21 of CPC, to recall the impugned order passed by this court in C.M.A.(MD)No. 1705 of 2024, which was dismissed on 26.02.2025.

For Petitioner : Mr.P.Murugesan

For R-1 : Mr.C.Mayilvahana Rajendran

ORDER

This Civil Miscellaneous Petition has been filed to recall the



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impugned order passed by this Court in C.M.A.(MD)No.1705 of 2024 on
26.02.2025.

2. Heard the learned counsel for the petitioner/appellant/defendant
and the learned counsel for the first respondent/plaintiff.

3. In E.P.No.86 of 2022 in O.S.No.298 of 2018 on the file of the VI
Additional District Court/Fast Track Court, Madurai, the judgment debtor
herein took out an application in E.A.No.3 of 2023 under Order XXI Rule
90 of CPC r/w Section 151 of C.P.C to set aside the auction sale in respect
of the first item of the suit property, purchased by the second respondent
herein in the Court auction that was held on 06.11.2023.

4. It was contended by the judgment debtor that upset price in
respect of the first item of the suit property was fixed, which was on the
lower side and Benami of the first respondent alone purchased the same
for a very lessor amount. On perusal of the execution proceedings, it
appears that for fixing the upset price, the matter was posted on
06.06.2023, 07.06.2023 and 08.06.2023. On 08.06.2023, as there was no
representation for the judgment debtor, the matter was posted for sale
paper on 12.06.2023.



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5. Thereafter, the judgment debtor took out an application in E.A.No. 1 of 2023 to reopen the case and E.A.No.2 of 2023 to stay the execution petition. Both the applications were dismissed by the Execution Court on 17.07.2023 and 03.11.2023, respectively. In all stages, opportunity was given to the judgment debtor to participate in the execution proceedings. After detailed discussion, the Execution Court has passed the order by dismissing E.A.No.3 of 2023 in E.P.No.86 of 2022 in O.S.No.298 of 2018. Against the said order, C.M.A.(MD) No.1705 of 2024 was filed before this Court. After hearing both sides, the said Civil Miscellaneous Appeal was dismissed confirming the order of the Execution Court.

6. No valid ground is put forth by the petitioner. Hence, this petition stands dismissed as devoid of merits.

06.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
apd

To

The VI Additional District Judge,
The VI Additional District Court,
Fast Track Court,
Madurai.

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R.KALAIMATHI, J.

apd

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