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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 23-10-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.DILIP KUMAR**

**CRP(MD) No. 2848 of 2026**

CNR:{HCMD011528502026}

**AND**

**CRP(MD) NO. 2849 OF 2026,CMP(MD) NO. 14644 OF 2026**

**In C.R.P.(MD) No.2848 of 2026:-**

R.Mythili
W/o.Late.J.Raju,
No.37,
Banadurai Sannathi Street,
Kumbakonam - 612 001.

..Petitioner(s)

Vs

S.Rajasekar (Died)

1. Selvi
   W/o.Late.S.Rajasekar
   No. 16,
   Sri Chakrapani Swami Koil North Madavilagam,
   Kumbakonam

2. Pradeebha
   No.40,
   Vinayak Colony,
   South Street,
   Thiruvilandur,
   Mayiladuthurai - 609 001

3. Vivek
   No. 1/16,
   Chakrapani Swami Kovil North Madavilagam,
   Kumbakonam.

R.Bashiyam (died)



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4. Chandhirika
   No. 14/5,
   Chennai Salai,
   Kumbakonam

5. Balaji
   No. 14/5,
   Chennai Salai,
   Kumbakonam

6. Divya
   No. 14/5,
   Chennai Salai,
   Kumbakonam

..Respondent(s)

**CRP(MD) No. 2849 of 2026**

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W/o.(Late) J. Raju
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..Respondent(s)

**CRP(MD) No. 2848 of 2026**

**PRAYER:** J-35. Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decretal order dated 01.10.2026 passed in E.A.No.129 of 2025 in E.A.No.61 of 2024 in E.P.No.84 of 2005 in O.S.No.78 of 1991 on the file of the Additional Subordinate Court, Kumbakonam and thus render justice.

**CRP(MD) No. 2849 of 2026**

**PRAYER:** J-35. Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decretal order dated 01.10.2026 passed in E.A.No.130 of 2025 in E.A.No.61 of 2024 in E.P.No.84 of 2005 in O.S.No.78 of 1991 on the file of the Additional Subordinate Court, Kumbakonam and thus render justice.



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For Petitioner(s): Mr.S.Sankar

**Order**

These two Civil Revision Petitions have been filed by one Mythili against the dismissal of her applications in E.A.No.129 of 2025 and E.A.No.130 of 2025 filed respectively to reopen E.A.No.61 of 2024 and to stay all further proceedings till the disposal of her E.A.No.129 of 2025.

2.The learned counsel for the petitioner would contend that the decree holder, Mr. Rajasekar, died on 05.10.2018 and upon his demise, E.A.No.61 of 2024 was filed by Selvi, Pradeepa and Vivek claiming to be the legal heirs of the deceased Rajasekar to the said execution application. Despite stating that they have produced the legal heirship certificate and the death certificate, they were not produced and by mistake, the Executing Court had allowed that E.A.No.61 of 2024 on 05.04.2025. Pursuant to the allowing of the said EA.No.61 of 2024, another E.A.No.70 of 2025 was filed by those 3 individuals to carry out necessary amendments, which was also allowed on 25.06.2025.



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3.Claiming that this petitioner, namely Mythili, had purchased this property on 07.04.1997, vide Doc.No.784 of 1997 and that she had not been made a party to EA.No.61 of 2024 or E.A.No.70 of 2025 and therefore, to expose the fraud played upon the Court by the said Selvi, Pradeepa and Vivek the present petitioner, Mythili claims to have filed E.A.No.129 of 2025 and the consequential EA.No.130 of 2025.

4.The learned counsel seeks to place reliance upon the judgment of the Hon'ble Supreme Court of India in ***A.V.Papayya Sastry and Vs. Government of Andhra Pradesh reported in CDJ 2007 SC 293***. He would contend that the Executing Court in the impugned orders had erroneously failed to consider the allegation of serious fraud leveled by the petitioner against the three individuals namely Selvi, Pradeepa and Vivek and he had misdirected itself by considering the date of passing of the decree and the other past proceedings that were contested by the petitioner. He accordingly prays for passing favorable orders.

5.Heard the learned counsel for the petitioner and perused the materials available on record.



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6.A civil suit in O.S.No.78 of 1991 was filed by Mr. Rajasekhar against Mr. R Bhashyam for specific performance. The suit was decreed in favor of Mr. Rajasekhar on 13th March 1995. The execution petition filed by Mr. Rajasekhar, after being transferred across Courts, was finally renumbered and taken on file in E.P.No.84 of 2005. In the said execution petition, the present petitioner, Mythili, initially filed EA.No.113 of 2006 under Order XXI Rule 97 of CPC. Keeping it pending for nearly five years, the said application was allowed to be dismissed for default on 10th November 2011, only for the petitioner to come up with another application in EA.No.1 of 2012 by invoking the provision under Section 47 of CPC. This E.A.No.1 of 2012 was contested by Mythili conveniently for six long years and it was ultimately dismissed on 8th February 2018. She did not stop there and she filed another EA.No.41 of 2018 under Order XXI Rule 97 of CPC and this came to be dismissed on 20th August 2018. Thus, it is beyond any cavil of doubt that the decree that was passed on 13th March 1995 was not allowed to be enjoyed by the decree holder, namely Mr. Manikandan during his lifetime by the conduct of this petitioner in filing one application after another in EA.No.113 of 2006, E.A.No.1 of 2012 and EA.No.41 of 2018. EA.No.41 of 2018 was dismissed on 20th August 2018. Mr. Rajashekar lived only for two more



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months and he died on 5th October 2018, without enjoying the benefits of the decree.

7.Upon his death, Selvi, Pratibha and Vivek, claiming to be the legal heirs filed EA.No.61 of 2024 to bring them on record in the place of the deceased decree holder Mr. Rajasekhar. This application was allowed on 5th April 2025. This had not been put to challenge by the petitioner, Mythili. Subsequently, another EA.No.70 of 2025 was filed to carry out the amendments and that was allowed on 25th June 2025. Now at this stage, Mythili had realized that she has one more round of litigation left with her by contesting the locus standi of the legal representatives who are brought on record in the place of the deceased Rajasekhar. By claiming that the legal representatives brought on record in the place of Mr. Rajasekhar are not his actual legal heirs, she had not filed a civil revision petition but E.A.No.129 of 2025 seeking to reopen EA.No.61 of 2024.

8.Surprisingly in this EA., the said Mythili never let in any evidence. She did not produce any documents. Rather, the learned counsel for the petitioner would submit that she could not bring any



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material to show that Selvi, Pratibha and Vivek are not the legal heirs of the deceased Rajasekhar. She has no grievance to hand over the property to a person who is the genuine legal heir of the said deceased Rajasekar. This according to this Court is a very shame submission as this petitioner, Mythili contested the execution proceedings since 2006 till 2018 against the original decree holder Mr.Rajasekhar.

9.Admittedly this Mythili is a purchaser under the original judgment debtor Mr. Bhashyam after the passing of the decree in O.S.No.78 of 1981. The decree was granted on 13th March 1995, and the purchase of Mythili is n 7th April 1997. The allegation of fraud leveled by the petitioner has to be substantiated by bringing at least a semblance of material on record. Mythili did not even enter into the witness box and did not even depose that the impleaded legal heirs are not the actual legal heirs of Mr. Rajasekhar. Mythili is a person claiming against the interests of Mr. Rajasekhar.

10.I do not find any infirmity in the order of the executing court. In the impugned orders of the executing Court it has rightly held that the petitioner has no locus standi to challenge or seek reopening of EA.No.61 of 2024.



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11.Accordingly, both the Civil Revision Petitions are dismissed as lacking in merits and bona fide. No costs. Consequently, connected Miscellaneous Petition is closed.

**23-10-2026**

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

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**N.DILIP KUMAR J.**
MM

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