



C.R.P.(MD)No.813 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.813 of 2026

and

C.M.P.(MD)No.3779 of 2026

M.Yokeshwaran

... Petitioner

vs.

1.Thedasarvi

Mr.K.Mokkamayan (Died)

2.M.Jayammal

3.M.Selvam

4.A.Thilagavaani

5.M.Manimegalai

6.M.Muthukumar

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order passed by the learned Sub Judge, Thirumangalam made in E.A.No.3 of 2025 in E.P.No.49 of 2021 in O.S.No.927 of 2017, dated 12.11.2025.

For Petitioner : Mr.S.Suresh



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ORDER

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The order impugned in this revision is one passed under Order XXI Rule 90 of the Code of Civil Procedure. Against such an order, the Civil Revision Petitioner/auction purchaser has a right of appeal under Order XLIII Rule 1(j). Under Section 115(1) of the Code, when there is a statutory right of appeal, this Court should not interfere with the same in revision. Even a revision under Article 227 cannot be entertained, when an alternate remedy is available. (See, ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors vs Tuticorin Educational Society & Ors, (2019) 9 SCC 538***).

2. Mr.Suresh relies upon the judgment passed by this Court in ***Manimaran vs Selvaraj (C.R.P.No.3546 of 2022, dated 07.11.2025)***.

3. A perusal of the judgment shows that the learned Judge had not gone into the issue of maintainability at all nor is there any reference to the judgment of the Supreme Court in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai's* case cited supra.



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4. Hence, I am of the view that the revision cannot be entertained, at this stage, at the instance of the auction purchaser. It is open to him to prefer an appeal, if he so advised. The period from 17.12.2025 till the date of uploading of this order onto the website of this Court, will stand excluded for the purpose of calculating the time to prefer an appeal.

5. In view of the above observations, the Civil Revision Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

23.03.2026

Note: Registry is directed to return the original impugned order after retaining the copy thereof and upon making the usual endorsement.

To:

The Sub Judge, Thirumangalam.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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23.03.2026