



WEB COPY

CRP No. 1072 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 1072 of 2026 and
CMP No.5664 of 2026**

G.Selvaraj, S/o. Govindan,
No.2, Santhosh Nagar,
No.89, Veppampattu Village,
Veppampattu Post,
Tiruvallur Taluk and Dt.

..Petitioner(s)

Vs

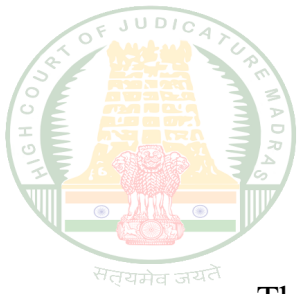
P. Bharathi, W/o. P. Venkatarathnam,
No.176-B, 1st Floor,
Chittoor Road, Tiruttani Taluk,
Tiruvallur Dt.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order of arrest passed on 20.2.2026 against the petitioner/JD/defendant in EP.No. 107/2025 in OS.No.7/2025 by the 1st Additional District and Sessions Court at Tiruvallur.

For Petitioner(s): Mr. E.Lakshmipathy

For Respondent(s): Mr.T.Jayaramaraj



ORDER

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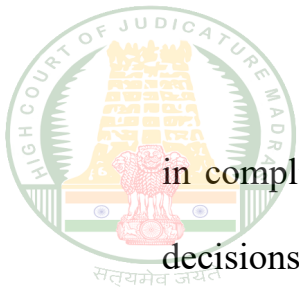
This Civil Revision Petition has been filed to set aside the order of arrest passed on 20.2.2026 against the petitioner/JD/defendant in EP.No. 107/2025 in OS.No.7/2025 by the 1st Additional District and Sessions Court at Tiruvallur.

2. The respondent/plaintiff filed a suit in O.S.No.7 of 2025 against the petitioner/defendant seeking recovery of money under Order XXXVII Rule 1 and 2 CPC and the same was decreed exparte on 11.07.2025. The respondent filed E.P.No.107 of 2025 to execute the decree, wherein, the execution court issued an order of arrest against the petitioner and the same is impugned in this civil revision petition.

3. Heard Mr.E.Lakshmipathy, learned counsel for the petitioner and Mr.T.Jayaramaraj, learned counsel for the respondent.

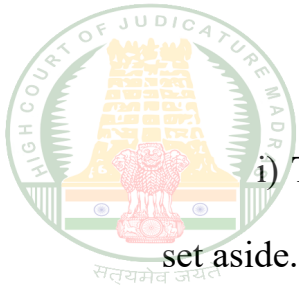
4. On finding that the docket order alone was enclosed in the typed set of papers, I had requested the counsel for the parties to furnish the copy of the detailed order passed in the E.P.No.107 of 2025.

5. Today, learned counsel for the respondent/plaintiff has furnished a copy of the speaking order passed by the I Additional District Judge, Tiruvallur, On going through the same, I do not find that the order of arrest has been passed



in compliance with the mandate of Order XXI of CPC as well as the various decisions regarding the procedure to be adopted by the execution court before ordering arrest. Excepting for a hand written endorsement that ‘ Means proved by Affidavit ’, I do not find the other portions of the order being in compliance with the requirements of law. It is also seen that the petitioner had already filed an application for setting aside the exparte decree along with the written statement and he is seriously contesting the claim for recovery of money, based on the promissory notes, on the ground that the promissory notes were executed under extortion and threat. It is a matter for trial.

6. Considering that the petitioner had already deposited a sum Rs.3,00,000/- in compliance with the directions issued by this court, at the time of admitting the revision petition, and further considering that the Execution Court had not followed the mandatory provision of law before ordering arrest, and also taking into account that the application for setting aside the exparte decree along with a petition to condone the delay of 241 days is also pending for consideration and in order to balance the equities, and for giving a fair opportunity to the petitioner to contest the suit on merits, I am inclined to dispose of this civil revision petition in the following manner:-



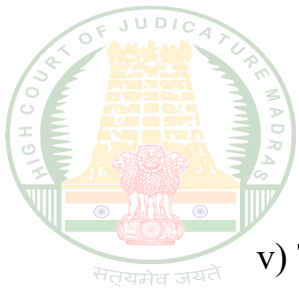
i) The order of arrest passed in E.P.No.107 of 2025, dated 20.02.2026 is set aside.

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ii) I.A.No.6 of 2026, which is pending for condonation of delay in taking out an application to set aside the exparte decree shall be allowed, subject to the petitioner depositing a further sum of Rs.12,00,000/- (Rupees twelve lakhs) to the credit of O.S.No.7 of 2025 on the file of I Additional District Judge, Tiruvallur, within a period of four weeks from the date of receipt of copy of this order.

iii) It is made clear that the deposit of Rs.3,00,000/- already made by the petitioner and also a sum of Rs.12,00,000/- to be deposited by the petitioner in compliance with this order, shall be transferred by the Sub Court to any one of the nationalised banks and held in a Fixed Deposit, where the amount will accumulate interest, so that the successful party at the disposal of the suit shall be entitled to seek withdrawal of the amount which is pending together with accrued interest.

iv) On compliance with the above conditions, namely deposit of Rs.12,00,000/-, the exparte decree shall be set aside and the trial court shall frame issues, within a period of two weeks thereafter.



v) The Trial of the suit shall be expedited and suit shall be disposed of on or before 31.10.2026.

7. With the above directions, this civil revision petition is disposed of.

There shall be no order as to costs. Connected miscellaneous petition is closed.

14-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The I Additional District Judge,
Tiruvallur.



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P.B.BALAJI, J.

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