



WEB COPY

CRP No. 2858 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

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

**CRP No. 2858 of 2026
& CMP.No.11658 of 2026**

S.Ravi

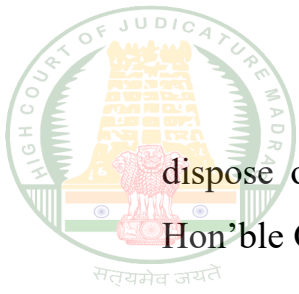
..Petitioner(s)

Vs

1. Sudhir Ramchand
2. M.Ganesan,
3. G.Anbazhagan
4. K.Sankaralingam
5. K.Ramesh
6. Irusappan @ Rajagopal
7. R.Meganathan
8. R.Jayalingam
9. M.Gopal
- 10.G.Devakumar
- 11.G.Sigamani
- 12.G.Maickavel
- 13.Singaravel
- 14.G.Pandiaraj
- 15.Jeeva
- 16.Kasthuri
- 17.G.Selvam
- 18.L.Bulla @ Munusamy
- 19.C.Durai
- 20.D.Prabhakar
- 21.D.Apple @ Vajravelu
- 22.Mallika

..Respondent(s)

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the docket order dated 11-02-2026 passed in EA.SR. No. 9013 of 2026 in EA.No. 2 of 2019 in EP.No. 1270 of 2013 in OS No.7222 of 2010, passed by the learned X Asstant City Civil Court, Chennai and consequently, restore the petition and



dispose of the same on merits and pass such further or other orders as this Hon'ble Court.

WEB COPY

For Petitioner(s): Mr.K.N.Nataraj

For Respondent(s): M/s.C.D.Sugumar for R1
R23 - Died
RR2 To 22 - Rep. by their Power Agent
(R23 - G. Durairaj)

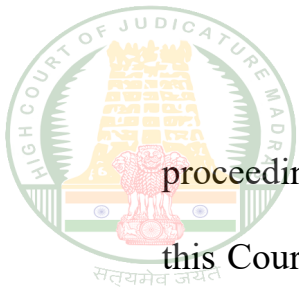
ORDER

Civil Revision Petition has been filed to set aside the docket order dated 11-02-2026 passed in EA.SR.No.9013 of 2026 in EA.No.2 of 2019 in EP.No.1270 of 2013 in OS.No.7222 of 2010 passed by the X Assistant City Civil Court, Chennai and consequently, restore the petition and dispose of the same on merits.

2. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3. The petitioner is aggrieved by the rejection of an application filed under Order XXI Rule 58 of CPC, even at the SR stage.

4. The learned counsel for the petitioner states that he is a third party to the proceedings and his property has been erroneously attached in the execution

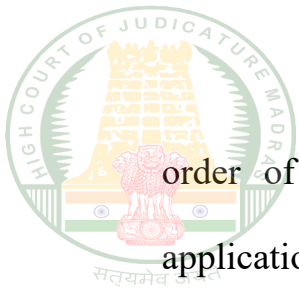


proceedings, without any notice to him. He would also rely on the decision of this Court in *Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited*, through its Project Director, Koodankulam, Ramanathapuram Taluk, Tirunelveli District, reported in 2021 (4) CTC 539, where this Court has set out guidelines for Trial Courts to follow in matters like these, viz., dealing with applications at the numbering stage.

5. The learned counsel for the respondent-decree holder would state that the application to condone the delay is not maintainable under Order XXI of CPC and he has also relied on the decision of this Court in *R.Rasappan Vs. D.Rajalakshmi*, reported in 2025 SCC Online Mad 4068. He would therefore state that there was no error committed by the Executing Court in dismissing the application as not maintainable.

6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. Firstly, I find that the application under Order XXI Rule 58 of CPC has been rightly invoked by the petitioner as a third party to the EP, as well as the suit proceedings. I do not find there being any necessity to have even invoked Section 5 of the Limitation Act in the instant case. The petitioner, on coming to know of the order of attachment of his property, would have been entitled to straight away invoke Order XXI Rule 58 of CPC and seek for raising of the



order of attachment. However, the petitioner has chosen to take out an application under Section 5 of the Limitation Act.

WEB COPY

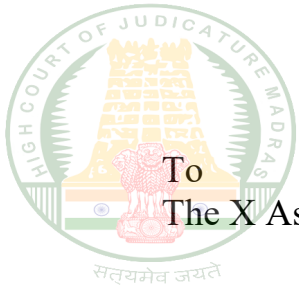
8. The claim of the petitioner that the property, which is attached is belonging to him has to be tested on merits and the Executing Court ought not to have dismissed the same at the SR stage, which is also against dictum of this Court in *Selvaraj's case*, referred herein above.

9. In view of the above, the Civil Revision Petition is allowed and the docket order dated 11-02-2026 passed in EA.SR.No.9013 of 2026 in EA.No.2 of 2019 in EP.No.1270 of 2013 in OS.No.7222 of 2010 passed by the X Assistant City Civil Court, Chennai, is set aside. The petition shall be numbered and disposed of, after giving an opportunity to the 1st respondent to contest the same, by filing counter and the enquiry shall be completed and orders passed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

09-07-2026

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

ATA



CRP No. 2858 of 2



To
The X Assistant City Civil Court, Chennai.

WEB COPY



WEB COPY

CRP No. 2858 of 2



P.B.BALAJI, J.

ATA

CRP No. 2858 of 2026

09-07-2026