



WEB COPY



CRP No. 3832 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3832 of 2026 and CMP No.16695 of 2026

1. Saidu

S/o.Pakir, Anai Musi Estate, III Division
Mudis Post, Valparai Tk., Coimbatore Dist.

Petitioner(s)

Vs

1. M/s.Bombay Burmah Trading
Corporation Ltd.,
Rep. by its Manager-Legal and Principal
officer and duly authorized power of
attorney Agent Jacob Mathew, Having
office Registered office at Wallace Street
Fort Mumbai 400 001 and Plantain Head
Office at Mudis Po, Valparak Tk.,
Coimbatore Dist.

Respondent(s)

Revision filed under Article 227 of the Constitution of India against the
Docket Order dated 26.11.2025 made in EP No.61 of 2025 in O.S.No.125 of 2012 on
the file of Sub Court, Pollachi.

For Petitioner(s): T.P.Prabakaran



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For Respondent(s): S.Rajmakesh

ORDER

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Heard the learned counsel for the petitioner and the learned counsel for the respondent/caveator.

2. The present revision has been filed against the Docket Order dated 26.11.2025 made in EP No.61 of 2025. The petitioner sought for stay of the execution proceedings in EP No.61 of 2025 which has been filed by the respondent for execution of the decree in O.S.No.125 of 2012.

3. The short point on which the application was made before the executing Court was that the appeal preferred by the petitioner is pending in AS CFR No.882 of 2026. and the only ground that the appeal has been preferred even as early as on 05.09.2024, the Registry is not numbering the appeal despite compliances being effected by the petitioner as appellant in the first appeal. Learned counsel for the petitioner therefore prays for interim protection to enable the petitioner to obtain interim orders of stay before the first appellate Court and in the mean time, the execution proceedings should not be precipitated which would cause serious prejudice to the petitioner , who is aged 84 years.

4. Per contra, learned counsel for the respondent/decreed holder would state that though the petitioner claims to have preferred an appeal on 05.09.2024, even



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according to their own showing, the AS CFR Number is of the year 2026 which cause doubt and suspicion as to whether the appeal was filed in time in 2024.

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5. Be that as it may, considering that the petitioner is aged 84 years and a challenge has been made by way of first appeal, in order to balance equities and protect the interest of both the judgment debtor and decree holder, the revision is disposed of in the following manner:-

- a) The execution proceedings shall be deferred for a period of eight weeks from the date of receipt of a copy of this order.
- b) It is open to the petitioner to have the appeal numbered in the interregnum period and obtain interim orders in the first appeal and on failure to do so, it will be open to the respondent to proceed with the Execution Petition in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

14.07.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order



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sr

To

The Sub Court, Pollachi

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