



C.R.P.No.596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.596 of 2024

and

C.M.P.No.2946 of 2024

S.Velmurugan

... Petitioner

Vs.

Lathamangesh

... Respondent

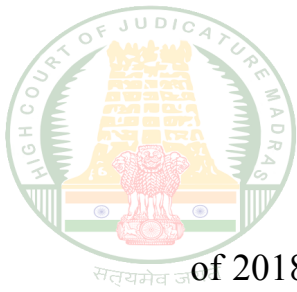
Prayer : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against fair and decretal order dated 12.09.2023 passed by the II Additional Subordinate Court, Coimbatore, dismissing E.A.No.2 of 2022 in E.P.No.520 of 2018 in O.S.No.795 of 2016.

For Petitioner : Mr.S.Saravanan
(change of vakalat filed)

For Respondent : No appearance

ORDER

Challenging the order of the II Additional Subordinate Judge,
Coimbatore, dismissing the application in E.A.No.2 of 2022 in E.P.No.520



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of 2018 in O.S.No.795 of 2016, filed for stay, the present revision has been filed.

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2.The Execution Petition has been filed based on the *ex parte* decree passed in the suit for specific performance. The contention of the revision petitioner/judgment debtor before the Execution Court is that, he has already filed a petition to set aside the *ex parte* decree with a delay of 1647 days. Therefore, he sought to stay the execution proceedings till the application under Section 5 of the Limitation Act, is disposed of. The Execution Court has rejected the said contention, as against which, the present revision has been filed.

3.Heard the learned counsel for the petitioner.

4.On perusal of the impugned order passed by the Execution Court, this Court finds no infirmity in the order of the trial Court. One cannot take his own time to file an application after several years and insist the Court to stay the execution till his application to condone such delay is decided. Therefore, I do not find any merit in this revision. Accordingly, this Civil



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Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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5.The II Additional Subordinate Court, Coimbatore, shall dispose of the condone delay application filed by the petitioner, on merits and in accordance with law, as expeditiously as possible, if not already disposed.

02.07.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The II Additional Subordinate Court,
Coimbatore.

2.The Section Officer,
VR Section,
High Court, Madras.



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N. SATHISH KUMAR, J.

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