



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP Nos.1530 & 1551 of 2019

and

CMP No.10134 of 2019

1. R.Kumar

2.S.Gomathi

Petitioners in both CRPs

Vs

1. The Bank of Baroda

Rep By Its Branch Manager,
Nambiyur Branch, Nambiyur Town,
Gobichettipalayam Tk, Erode District

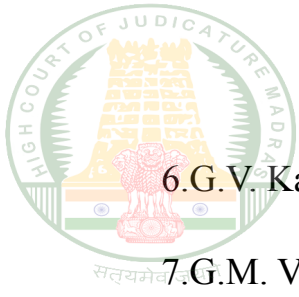
2.Jayalakshmi Textiles

Rep By Its Proprietor Bhuvaneswaran,
Chinnagoundanur, Polavapalayam Village,
Gobichettipalayam Tk, Erode District

3.K.K. Bhuvaneswaran

4.K.Selvaraj

5.Muthayammal



6.G.V. Kalidas

7.G.M. Venkateswaran

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Respondents in both CRPs

PRAYER in CRP No.1530 of 2019:

This Civil Revision Petition under Article 227 of the Constitution of India has been filed to set aside the ex-parte decree and judgement dated 30-08-2017 passed in EA.No.86/2017 in EP.No.203/2006 in OS.275/1999 and allow the CRP.

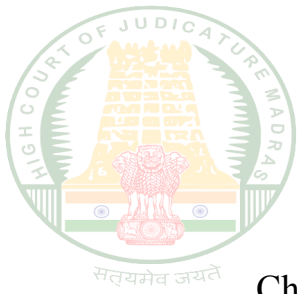
PRAYER in CRP No.1531 of 2019:

This Civil Revision Petition under Article 227 of the Constitution of India has been filed to set aside the ex-parte decree and judgement dated 30-08-2017 passed in EA.No.87/2017 in EP.No.203/2006 in OS.275/1999 and allow the CRP.

For Petitioners: M/s. K. Soundararajan
in both CRPs

For Respondents: R1 & R5- None appeared
in both CRPs

R2 to R4 and R6 & R7 dismissed
vide order dated 08.02.2023



COMMON ORDER

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Challenge has been made seeking direction to the Trial Court to number the application filed to restore the applications in E.A.Nos.86 & 87 of 2017, which were dismissed for default on 30.08.2017.

2. Originally, a suit in O.S.No.275 of 1999 on the file of the Principal Subordinate Court, Gobichettipalayam, had been filed by the first respondent/plaintiff against the respondents 2 to 7/defendants, and judgment was passed in the said suit on 29.03.2001.

3. Subsequently, the first respondent had also filed E.P.No.203 of 2006, in which, Attachment notice was ordered, and auction notice was also issued on 27.12.2018, stating that the auction would be conducted on 07.02.2019. Hence, the petitioners herein filed an application in E.A.No.86/2017 under Order 21 Rule 58 of CPC to cancel the Attachment order dated 18.01.2012 and claimed right over the first item of the suit schedule mentioned property. They also filed another application in E.A.No.87 of 2017 under Order 21 Rule 59 of CPC to



stay all further proceedings in E.P.N.203 of 2006 till disposal of the E.A.No.86

of 2017. Both E.A.Nos.86 & 87 of 2017 were dismissed by the Execution

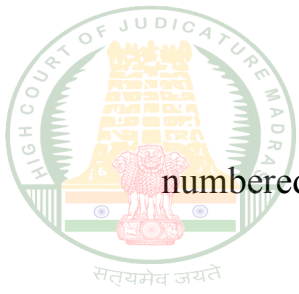
Court as the petitioners had not turned up to begin the enquiry. To restore both

E.As, the revision petitioners filed applications before the E.P. Court. So far,

both the petitions have not been numbered, hence, the petitioners are before this

Court with this revision.

4. According to the petitioners, the first petitioner has purchased the property on 22.01.2008, whereas, the attachment has been effected by the Execution Court in the year 2012 and the auction was later scheduled to be conducted on 07.02.2019. In this regard, he filed an application to adjudicate his right in the first item of the suit schedule property. That application was originally numbered as E.A.No.86 of 2017. Besides, he had also filed a stay application in E.A.No.87 of 2017 to stay the execution proceedings. Both applications were dismissed for default on 30.08.2017. Though the petitioners filed applications to restore the said E.A.Nos.86 & 87 of 2017 within the stipulated time, i.e. on 22.09.2017, the said applications have not been



numbered so far.

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5. This Civil Revision Petition stands dismissed as against the respondents 2 to 4, 6 and 7, for non compliance with the requirements of the Registry including payment of batta vide order dated 08.02.2023.

6. Though Mr.Revathi Manivannan, learned counsel takes notice for the respondents 1 and 5, he neither filed vakalat nor appeared on behalf of them.

7. I have considered the submissions made by the learned counsel for the petitioners and perused the materials available on records carefully.

8. It is seen from the records that such applications have been filed on 22.09.2017 itself within the period of limitation, which were returned. Again, the same were re-presented on many dates, however, they were not yet numbered. Hence, this court is inclined to allow the Civil Revision Petitions.



9. Accordingly, these Civil Revision Petitions are allowed and the

Execution Court is directed to number the applications filed for restoration of

E.A.Nos.86 & 87 of 2017 and dispose of the same on its own merits and in

accordance with law, within a period of two (2) months from the date of receipt

of a copy of this order. Consequently, connected miscellaneous petition is

closed. No costs.

01-08-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Sub Court,
Gobichettipalayam.

2. The Bank of Baroda

Rep By Its Branch Manager,

Nambiyur Branch, Nambiyur Town,
Gobichettipalayam Tk, Erode District.



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N.SATHISH KUMAR J.

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