



CRP.No.3578 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM :

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

CRP.(NPD).No.3578 of 2025

1.V.Nadesan

2.N.Tharageswari

...

Petitioners

Vs.

B.Sethuraman

...

Respondent

PRAYER : The Civil Revision Petition filed under Article 115 of the Constitution of India to set aside the Fair and Final order dated 06.01.2025 made in E.A.No.3 of 2024 in E.P.No.4 of 2024 in I.A.No.906 of 2019 in O.S.No.303 of 2016 on the file of Principal Sub Judge, Puducherry.

For Petitioners

...

Mr.K.S.Karthik Raja

For Respondent

...

No appearance

ORDER

Despite service of notice, the respondent has not chosen to enter appearance.



CRP.No.3578 of 2025

WEB COPY

2.The learned counsel for the petitioners Mr.K.S.Karthik Raja would invite my attention to the affidavit filed in support of the application seeking to set aside the ex parte order dated 03.06.2024 in the execution proceedings. He would further invite my attention to the averments made in the said affidavit that the petitioners were never served with notice though the Executing Court had deemed it fit and necessary to order notice in the matter. However, when the application was taken up, the Executing Court held that since the EP has been filed within a period of two years, issuance of notice was not necessary and therefore, proceeded to dismiss the application.

3.I am unable to countenance the findings of the Executing Court. Having ordered notice in the first instance, it is proper for the Executing Court to ensure that notice was served before proceeding to pass further orders in the Execution Petition. Admittedly, the petitioners have not been shown to be served with notice in the execution petition. Despite the same, the EA filed by them to set aside the exparte order has been dismissed.



CRP.No.3578 of 2025

WEB COPY

4.In the light of the above, fair and final order dated 06.01.2025 made in E.A.No.3 of 2024 in E.P.No.4 of 2024 in I.A.No.906 of 2019 in O.S.No.303 of 2016 on the file of Principal Sub Judge, Puducherry is hereby set aside. Accordingly, the civil revision petition is allowed.

Index : Yes/No

Internet: Yes/No

sms

To

26.09.2025

The Principal Sub Judge, Puducherry.



WEB COPY



CRP.No.3578 of 2025

P.B.BALAJI,J.,

sms

CRP.(NPD).No.3578 of 2025

26.09.2025