



C.R.P.No.4220 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No4220 of 2023 and CMP No.25660 of 2023

1.K.Krishnan

2.K.Arjunan

.... Petitioners

Vs

1.Chinnammal

2.Thangammal

Vediappan (Deceased)

Ramalingam(Deceased)

3. Vasu

4.Rathinammal

5.Bhuvaneswari

6.Usha Rani

7.G.Jothi

8.R.Gokul

9.R.Singhuja

10.Alamelu

11.Kamala

12.K.Jayaraj

13.K.Poonusamy

14.K.Gopal

15.K.Palaniammal

(This petitioner is not pressed against R.12 to R.15)

.... Respondents

Revision filed under Article 227 of the Constitution of India against the fair and final order dated 26.11.2021 made in R.E.A.No.7 of 2020 in R.E.P No.62 of 1998 in O.S.No.421 of 1984 on the file of I Additional Subordinate Judge, Salem.



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For Petitioners : Mr.V.Rajesh

For Respondents: Mr.V.Chandrasekaran

For R.11.

RR.2,5,6,7,8,9,12,13 and 15 – Served

RR.1 and 4 _ Not ready in notice

ORDER

The revision petitioners are two of the applications in R.E.A.No.7 of 2020 in REP No.62 of 1998 in O.S.No.421 of 1984. The revision petitioners, in fact, have been cited as respondents 14 and 15 in the execution petition.

2. The revision petitioners along with their siblings took out an application in REA No.7 of 2020 for condoning the delay of 7809 days in filing the application to set aside the exparte order passed in R.E.P.No.62 of 1998. The said application was resisted by the respondents/plaintiffs and the executing Court finding that the petitioners have not sufficiently explained the delay and that they have had the knowledge of the proceedings much earlier proceeded to dismiss the application. Aggrieved by the said order, as already said above, only two of the applicants in REA No.7 of 2020 have come before this court by way of revision.

3. Learned counsel for the revision petitioners submits that though delivery was ordered on 08.01.2020, the execution petition is still pending



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and an opportunity may be given to the respondents to participate in the execution proceedings and putforth their objections.

4. Per contra, learned counsel for the respondents/plaintiffs would state that preliminary decree came to be passed on 10.09.1987 and final decree also was passed on 26.10.1995. One of the defendants filed first appeal in A.S.No.20 of 1996 which also came to be dismissed on 13.11.1997 and the execution petition has been filed for executing the decree passed in the suit was confirmed by the appellate Court in A.S.No.20 of 1996. Learned counsel further states that the trial Court has rightly found that the petitioners had knowledge of the execution proceedings much earlier and there is absolutely no reasons set out in the affidavit filed in support of the petition warranting condonation of not only long delay of 7809 days but also inordinate as well. Learned counsel would therefore pray for dismissal of the revision.

5. I have carefully considered the submissions made by the learned counsel on either side.

6. Admittedly, the respondents 14 and 15 joined hands with their



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siblings and filed REA No.7 of 2020 to condone the delay of 7809 days in filing the exparte order. These revision petitioners and their siblings who are petitioners in REA No.7 of 2020 are the children of the first defendant by name Kuppusamy. Four of the legal heirs have accepted the order passed by the executing court in dismissing the application for condonation of delay. They have not chosen to prefer any revision. It is only these revision petitioners who have come on revision before this Court challenging the dismissal of the application.

7. As rightly found by the executing Court, the affidavit filed in support of the application for condonation of delay does not satisfy the mandate of sufficient cause to be shown for seeking condonation of delay. The executing court also rightly found that the petitioners had knowledge of the execution proceedings much earlier and false contentions have been taken up that they got knowledge of the execution petition only on 03.01.2020. In fact, the executing court has given findings based on records that the petitioners received notice even in the year 1988 and slept over the matter. Therefore, the petitioners have clearly slept over the matter for 22 years and thereafter, have approached this Court as if they had knowledge of the



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execution proceedings only in January 2020 and sought for condoning the delay of 7809 days.

8. I do not find any perversity or infirmity in the order passed by the executing court dismissing the application in REA No.7 of 2020 in REP No.62 of 1998 in O.S.No.421 of 1984.

9. Therefore, I do not find any merit in this revision. Hence the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The I Additional Subordinate Judge, Salem

P.B.BALAJI.,J

sr



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