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CRP NPD.No.2553 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2553 of 2025 & CMP.No.14540 of 2025

1. N.Thangavel
2. T.Babu

. . . Petitionera

Versus

A.Kannan

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to direct the learned I Additional Sub Judge, Erode to number the unnumbered EA CFR No.5249 [6] of 2025 in E.P.No.20 of 2025 in O.S.No.266 of 2023.

For petitioner : Mr.N.Manoharan



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ORDER

This Civil Revision Petition has been filed challenging returning of the application filed by the petitioner even without numbering, on the ground that earlier applications filed by the petitioner under Order XXI Rule 106 and 105[3] of Code of Civil Procedure have been returned.

2. According to the revision petitioner, the suit filed by the respondent in O.S.No.266 of 2023 has been decreed exparte on 15.06.2023 and the petitioner has filed an application to set aside the exparte decree with an application to condone delay and the said applications have been returned without sufficient cause. Similarly, in the Execution Petition also, the petitioner has been set exparte on 29.04.2025 and to set aside the exparte Order, an application has been filed and that application has also been returned without any justification. At this stage, the petitioner filed an application under Order XXI Rule 26[1] read with Section 151 of Code of Civil Procedure for staying further proceedings till the application filed to condone the delay in filing an application to set aside the exparte decree and



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other applications are decided. However, the trial Court has returned the said application.

3. Considering the fact that the revision petition has been filed for a limited purpose and as the applications filed by the petitioner have been returned even before numbering, this Court is of the view that the trial Court cannot shirk its respondent in deciding the applications. Hence, the trial Court Court is directed to number all the applications filed by the petitioner and dispose the same on its own merits within four months from the date of receipt of a copy of this Order. Till such time, the Order of delivery in the Execution Petition shall be kept in abeyance.

4. With the above directions, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed. The registry is directed to return the original application filed by the petitioner.

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Internet: Yes

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Speaking/non speaking order

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To,

The I Additional Sub Judge,
Erode.



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N. SATHISH KUMAR, J.

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