



CRP NPD.No.2596 of 2025

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THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2596 of 2025 & CMP.No.14729 of 2025

K.M.Ella Reddy [died]

1. Radhamma
2. Dhanalakshmi
3. Padmamma
4. Manjunath

. . . Petitioners

Versus

1. J.Kulasekaran
 2. Kalaimagal Sabha
Represented by its Special Officers
 1. Nagasubramaniam
 2. K.C.Kathirvelu, Advocate, Chennai
 3. Navaneetha Krishnan
- Registered Officer at
No.67, Pudhupallipalayam Roadm,
Kumarapalayam – 638 183.

. . . Respondents

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the Order passed in R.E.P.o.1 of 2022 in O.S.No.69 of 2024 dated 30.04.2025 on the file of the District Munsif cum Judicial Magistrate No.I at Hosur by allowing the present Civil Revision Petition.



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For petitioner : Mr.R.Jayaprakash

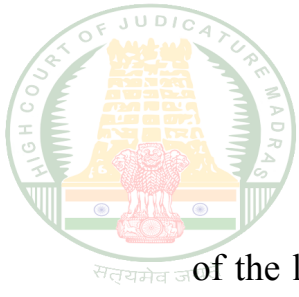
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ORDER

Challenge has been made to the Order of the Executing Court allowing the Execution Petition filed by the respondent, in the present Civil Revision Petition.

2. Though challenge has been made against the Order passed in Execution Petition, allowing petition for execution, the main contention of the petitioner is that as against the decree and judgment of the trial Court dated 05.08.2009, he had already filed an application to set aside the judgment along with an application to condone the delay of 149 days and same is pending in I.A.No.70 of 2010 on the file of the Sub Court, Hosur. Now, the Execution Court is proceedings with the execution proceedings.

3. At the outset, this Court is of the view it is well settled that mere filing of an application to set aside the exparte decree will not amount to automatic stay of the Execution Petition. At the same time, it is the contention



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of the learned counsel for petitioner that the application filed by the petitioner is pending from the year 2018. Therefore, the learned Subordinate Judge is directed to dispose of the interlocutory applications filed by the petitioner within a period of 30 days from the date of receipt of a copy of this Order. Till such time, the execution Court shall not precipitate further orders in the Execution Proceedings.

4. With the above direction, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

27.06.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The District Munsif cum Judicial Magistrate,
Hosur.



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N. SATHISH KUMAR, J.

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