



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRP No. 3318 of 2025

and

CMP No.18327 of 2025

1. GOKULAKRISHNAN

S/o. Late. Jayaraman Pillai,
Old No.35 and 36, Jayaram Lodge,
Senkzhuneer Pillaiyarkoil Street
Chidambaram - 608 001.

Petitioner(s)

Vs

1. Sri Dharmapuram Adheenam
Dharmapura,
Rep.by its Adheenakarhar,
Sri Shanmuga Desika Gnanasambanda
Paramacharya Swamigal (died),
Now rep.by Sri. Masilamani Desika
Gnanasambanda Paramacharya
Swamigal,
Rep.by Power Agent Sethumanickam.
Jayaraman Pillai (deceased)

2.Sankar

S/o. Not Known, Running a Watch
House, Senkzhuneer Pillaiyar Koil
Street, Chidambaram.



3.Sivakumar

S/o. Not Known, Running a Watch

House, Senkzhuneer Pillaiyar Koil
Street, Chidambaram.

4.Narmadha

D/o. Jayaraman Pillai, No.46-147,
Senkzhuneer Pillaiyar Koil Street,
Chidambaram.

Respondent(s)

PRAYER

This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the Fair and Decreetal order dated 02.04.2025 passed in E.A.No.127 of 2024 in E.P. No. 12 of 2022 in O.S.No.229 of 2006 pending on the file of Principal District Munsif, Chidambaram, by allowing the revision petition.

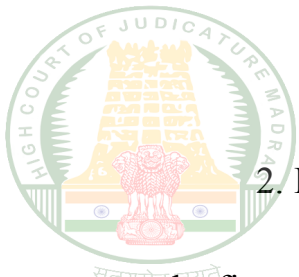
For Petitioner(s): Mr.T.S.Baskaran

For R1 M/s.B.Jawahar

For R2 to R4 Not ready in notice

ORDER

This Civil Revision Petition has been filed to set aside the Fair and Decreetal order dated 02.04.2025 passed in E.A.No.127 of 2024 in E.P. No. 12 of 2022 in O.S.No.229 of 2006 pending on the file of Principal District Munsif, Chidambaram.



2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

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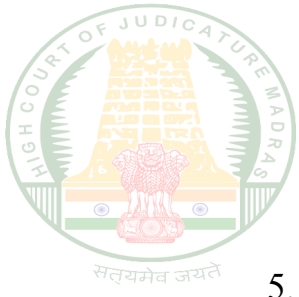
3. Admittedly, the petitioner is the judgment debtor. The first respondent is the Decree Holder. The decree holder/first respondent herein had already filed a suit against the petitioner's father in O.S.No.229 of 2006 on the file of the Principal District Munsif Court, Chidambaram for the relief of recovery of possession of the tenanted building and for rental arrears. The said suit was decreed vide order dated 22.3.2007. Aggrieved over the same, petitioner's father preferred an appeal in A.S.No.62 of 2007 on the file of the Sub Court, Chidambaram and the same was allowed. Aggrieved over the same, the Decree Holder/first respondent herein preferred the second appeal in S.A.No.738 of 2009. This Court vide judgment dated 19.7.2019, allowed the second appeal. There was no representation for the petitioner herein/ respondent therein during the disposal of the said second appeal. Hence, the petitioner has filed the petition in CMP No.4599 of 2022 in S.A.No.738 of 2009 before this Court, seeking to condone the delay of -days in filing the petition to re-hear the Second Appeal in S.A.No.738 of 2009 and also seeking to re-hear the abovesaid Second



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Appeal and the same is pending. Meanwhile, the Decree Holder/the first respondent herein filed the execution petition in E.P.No.12 of 2022 before the Principal District Munsif Court, Chidambaram. Pending, EP, the petitioner has filed an application in E.A.No.127 of 2024 in E.P.No.12 of 2022 in O.S.No.229 of 2006, before the Principal District Munsif Court, Chidambaram, seeking stay of further proceedings in E.P.No.12 of 2022 in O.S.No.229 of 2006 pending disposal of CMP No.4599 of 2022 in S.A.No.738 of 2009.

4. Admittedly, this Court had already decided the Second Appeal on merits. However, there was no appearance on the side of the petitioner herein/respondent therein in the Second Appeal. Hence, the petitioner has approached this Court by filing CMP No.4599 of 2022 in S.A.No.738 of 2009 seeking to re-hear the appeal and the same is pending. Meanwhile, the first respondent/Decree Holder filed an Execution Petition and the same is proceeding. The petitioner instead of approaching the Appellate Court to get the stay of the proceedings in EP, filed the petition in E.A.No.127 of 2024 before the Execution Court. The Execution Court rightly dismissed the petition.



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5. On a perusal of the records, this Court does not find any perversity in the order passed by the Execution Court. It is well settled proposition of law unless there is any stay/ or order setting aside Decree, the Execution Court can proceed further. Admittedly, there is no stay on the Execution Proceedings/ or the Decree. Hence, there is no need to interfere with the order passed by the Execution Court.

6. However, considering the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case, this Court directs the Execution Court not to proceed with the E.P. No. 12 of 2022 in O.S.No.229 of 2006, for the period 45 days from today, in order to give breathing time to the petitioner to approach the second appellate Court to get appropriate order. If the petitioner is not getting any suitable order within the stipulated period of 45 days from today, the Execution Court can proceed further in accordance with law, after completion of the stipulated period.



7. With the abovesaid direction, this Civil Revision Petition is disposed

of. No costs. Consequently, connected miscellaneous petition is closed.

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19-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal District Munsif,
Chidambaram.
2. The Sub Court, Chidambaram.



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P.VELMURUGAN J.

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