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A No. 4186 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

**A No. 4186 of 2025
in C.S.No.765 of 2012**

1. Bherav Mobiles And Accessories Pvt
Ltd
Rep.by its Director Mr.Prashant C Jain,
No.11, Narasingapuram Street, II Floor,
Chennai 2.

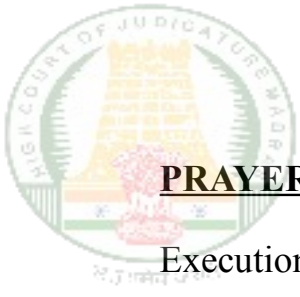
Applicant(s)

Vs

1. B.SIVAKUMAR and another
S/o.S.Balaraman, Carrying on Busines
under the name and style of X Top
Infotech, Old No.13, New No.12. 18th
Avenue, Ashok Nagar, Chennai 600
083.

2.Mr.S.Balaraman
S/o.Mr.Srinivasan, No.10/35, Well
Street, Ethirajapuram, West Tambaram,
Chennai 600 045.

Respondent(s)



PRAYER: Application is filed to extend the time prescribed for filling the Execution Petition before the Competent Jurisdictional court lying within the Chengalpattu District as per order dated 20/03/2020 passed in C.S.No.765 of 2012 and A.No.3766 of 2018.

For Applicant(s): Mr P.V Ramachandran
For Mr.T.Dhakana

For Respondent(s): No Appearance

ORDER

This application has been filed to extend the time prescribed for filing the Execution Petition before the Competent Jurisdictional Court lying within the Chengalpattu District as per the order dated 20.03.2012 in C.S.No.765/2012 and A.No.3766/2018.

2. No vakalat has been filed for the respondents as it was undertaken by Mr.A.Vimal Raj, Advocate, on 25.10.2025. In fact R1 and R2 have been set *ex parte* in the final decree proceedings and *ex parte* final decree has been passed.

3. The necessity for this application has arisen in view of the order dated 20.03.2020 made in C.S.No.765/2012 and A.No.3766/2018 wherein time has been granted till 30.04.2020 to file the Execution Petition before the competent Jurisdictional Court.



4. It is seen from the order dated 20.03.2020 that a preliminary decree in the suit has been passed based on the compromise entered into between the parties. One of the conditions in the terms of compromise is that if the defendants did not make payment as agreed in the terms, the plaintiff is at liberty to apply to the Court for a final decree for the mortgage of the property or a sufficient part thereof, to be sold and to appropriate the sale proceeds towards the decree amount. As the defendants failed to make payment as per the compromise memo, a final decree came to be passed on 12.07.2018 in C.S.No.765/2012.

5. As the competent Jurisdictional Court is situated at Chengalpattu District, an order has been passed on 20.03.2020 by giving liberty to the plaintiff / decree holder to file the Execution Petition before the Competent Jurisdictional Court. Even though the plaintiff has got time to file the Execution Petition till the expiry of 12 years time from the date of decree, it has been mentioned in the order that the plaintiff is required to file the Execution Petition on or before 30.04.2020. The above time limit has been given not to deprive the plaintiff / decree holder from giving away his liberty to file the Execution Petition, within the period of limitation, but just to expedite the process of filing the Execution Petition.

6. It appears that the plaintiff / decree holder did not file the Execution Petition on or before 30.04.2020 and there is a delay. It appears that the



competent Jurisdictional Court had directed the applicant to get extension of time in view of the condition imposed in the order dated 20.03.2020.

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7. It is made clear that the plaintiff / decree holder has got the liberty to file any number of Execution Petitions to achieve the purpose for which he has been given liberty within the period of limitation, irrespective of the time limit already prescribed by the Court. The time limit has been prescribed just to expedite the process and it need not be interpreted too technically to deny the liberty to the plaintiff / decree holder to initiate action for not filing an Execution Petition within the period of limitation.

8. It appears that the decree has not been transmitted to the Jurisdictional Court till now. Hence, the Registry is directed to transmit the decree forthwith.

9. With the above observations, this application is allowed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA, J.

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