



WEB COPY



C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

V.Chandrabose

.. Petitioner
in both C.R.P

Vs.

- 1.Vijaya
- 2.Vasanth
- 3.Savithri
- 4.Jothi Durairaj
- 5.Manimegalai Raj
- 6.Jeena
- 7.Ramakrishnan
- 8.Venkatesan
- 9.Nagalakshmi
- 10.Angayarkanni
- 11.Priya
- 12.Keerthana
- 13.Giriraj

.. Respondents
in both C.R.P

Common Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Subordinate Court, Perambalur to dispose



C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

the E.A.Nos.6 & 7 of 2024 in E.A.No.3 of 2023 in E.P.No.11 of 2016 in
O.S.No.43 of 2014.

For Petitioner : Mr.S.Satheeshkumar

ORDER

These Civil Revision Petitions have been filed by the petitioner, praying this Court to direct the learned Subordinate Judge, Perambalur to dispose of E.A.Nos.6 and 7 of 2024 in E.A.No.11 of 2016 in O.S.No.43 of 2014.

2.The petitioner herein is the 5th defendant/judgment debtor. The suit in O.S.No.43 of 2014 was filed by the respondents/decreed holder/plaintiffs against the petitioner and others for specific performance and the same was decreed *ex parte*. Thereafter, the respondents/decreed holder have moved Execution Petition in E.P.No.11 of 2016, wherein, the petitioner herein was set *ex parte*. At this stage, the petitioner herein has moved applications in I.A.Nos.1 and 2 of 2023 in O.S.No.43 of 2016, seeking to condone the delay in filing application to set aside the *ex parte* decree and also to set aside the *ex parte* decree. He has also filed E.A.No.3 of 2023 in E.P.No.11 of 2016 to



C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

set aside the *ex parte* order passed against him. However, since the petitioner has failed to get along with these applications, the Court below dismissed the same vide order dated 23.11.2023, 02.12.2023 and 04.11.2023. Thereafter, again the petitioner has moved I.A.Nos.5 and 6 of 2024 in I.A.Nos.2 of 2023 and also E.A.Nos.6 and 7 of 2024 in E.A.No.3 of 2023 for restoration along with condone delay applications.

3. According to the petitioner, he and his counsel on record could not appear before the Court due to eye surgery and also because he was suffering from heart ailment which led to the dismissal of the applications for default. Now the present applications have been kept pending and in the meantime, the decree holder are taking earnest efforts to get the decree executed, in which event, the rights of the petitioner may get affected, the petitioner has sought for a direction to the Court below to dispose of the E.A.Nos.6 and 7 of 2024.

4. Considering the facts and circumstances of the case and the limited prayer sought for in the revision petition, without going to the merits of the



C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

case, this Court feels it appropriate to direct the Court below to consider and dispose of Ex.A.Nos.6 and 7 of 2024 as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

5. With the above observations, these writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

08.01.2025

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The Subordinate Court,

Perambalur.



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C.R.P.Nos.5403 & 5404 of 2024
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N.SATHISH KUMAR, J.

rst

C.R.P.Nos.5403 & 5404 of 2024
and C.M.P.Nos.30117 & 30119 of 2024

08.01.2025