



C.R.P.No.4637 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4637 of 2024 and CMP No.23436 of 2025

1.Mrs.A.Girija

2.A.Thiyagarajan

.... Petitioners

VS

1,Mrs.Rajeswari

2.Velmuugan

3.Mrs.Malakodi

4.Saravanan

5.Sridhar

... Respondents

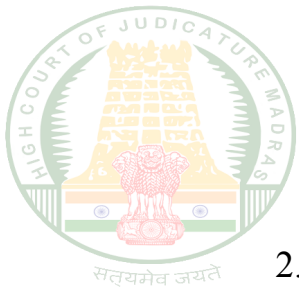
Revision filed under Article 227 of the Constitution of India against the docket order passed dated 01.09.2025 on the unnumbered REA filed by the petitioner in REP No.52 of 2019 in O.S.No.186 of 2007 on the file of Additional District Munsif Court, Tirupattur.

For Petitioners : Mr.A.M.Packianathan Easter

For Respondents : Mr.PA.Sudesh Kumar
For M/s Sun Associates

ORDER

The revision has been filed challenging the docket order passed in unnumbered REA dated 01.09.2025 in REP No.52 of 2019 in O.S.No.186 of 2007.



C.R.P.No.4637 of 2025

2. Learned counsel for the petitioners states that the decree was passed in the year 2019 and the execution petition was filed by the contesting respondents immediately thereafter in REP No.52 of 2019. However, without any delay, first appeal has been filed in A.S.No.31 of 2019 and the same is also pending before Subordinate Court, Thirupattur and the learned counsel therefore prays that suitable directions may be given for disposal of A.S.No.31 of 2019 and till then, the proceedings in REP No.52 of 2019 may be kept in abeyance.

3. Learned counsel for the respondents submits that the petitioners have consciously participated in the execution petition and they have also chosen to let in evidence and for almost five years they did not take up the plea that the first appeal was pending and therefore the proceedings in the execution petition should not be continued. The learned counsel therefore prays for dismissal of revision as the application was rightly returned by the executing court as one being not maintainable.

4. Learned counsel for the respondents further states that the application under Order XX1 Rule 26 of Civil Procedure Code is not



C.R.P.No.4637 of 2025

maintainable and the petitioners have wrongly invoked the said provision seeking stay of the proceedings in the execution petition.

5. No doubt, the learned counsel for the respondents is right in contending that the petitioners ought not to have invoked Order XXI Rule 26 of Civil Procedure Code which was to only enable the judgment debtors for breathing time before filing the appeal. Here, admittedly, the appeal has been filed in the year 2019 and hence it was not proper for the petitioners to have filed an application seeking stay of the decree in the execution proceedings, invoking Order XXI Rule 26 of Civil Procedure Code.

6. Be that as it may, considering that the first appeal is pending as against the judgment and decree passed in O.S.No.186 of 2007 and the same was filed even in the year 2019, without delay, I deem it just and proper to issue a direction to the Subordinate Court, Thirupattur to hear the arguments of the revision petitioners and the respondents herein, without waiting for completion of service of notice on the formal respondents in the appeal, if not completed already.



WEB COPY



C.R.P.No.4637 of 2025

P.B.BALAJI.,

sr

7. The Subordinate Judge, Thirupattur shall dispose of A.S.No.31 of 2019 on merits and in accordance with law by 30th November 2025 and subject to the decision of A.S.No.31 of 2019, the execution proceedings shall proceed further in accordance with law.

8. With the above direction, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The Subordinate Court,
Tirupattur.
2. The Additional District Munsif Court,
Tirupattur.

C.R.P.No.4637 of 2025