



CRP.Nos.361 & 490 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CRP.Nos.361 & 490 of 2025

and

C.M.P.Nos.2183 & 2822 of 2025

J.Andrews

... Petitioner/Judgment Debtor in both CRP's

Vs.

Royapuram Dharma Brahma Theertham Charities

Rep.by its Trustees,

1. N.Baskaran
2. D.Sridharan
3. A.N.Venkataraman
4. T.V.Sukumar
5. M.Srinivas

... Respondents / Decree holders in both
CRP's

Prayer in CRP.No.361 of 2025:Civil Revision Petition filed under Section 115 of C.P.C, against the order dated 19.11.2024 passed by the IXth Assistant City Civil Court in E.A.No.3 of 2024 in E.P.No.4135 of 2023 in O.S.No.638 of 2020.

Prayer in CRP.No.490 of 2025:Civil Revision Petition filed under Section 115 of C.P.C, against the order dated 19.11.2024 passed by the IXth Assistant City Civil Court in E.A.No.4 of 2024 in E.P.No.4137 of 2023 in O.S.No.638 of 2020.



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(in both CRP's)

For Petitioner : Mr.M.J.Sundar

For Respondent : Mr.R.Natarajan
N.K.Kanthimathi for R1, R3 & R5

COMMON ORDER

The present revision petitions are filed to set aside the order and decretal order dated 19.11.2024 passed by the IXth Assistant City Civil Court in E.A.Nos.3 & 4 of 2024 in E.P.Nos.4135 & 4137 of 2023 in O.S.No.638 of 2020.

2. The revision petitioner filed an application to set aside the exparte order dated 13.02.2024 made in E.P.No.4137 of 2023 in O.S.No.638 of 2020, along with an application to condone the delay of 133 days in filing the set aside petition.

3. Heard learned Counsel on both sides and perused the materials available on record.

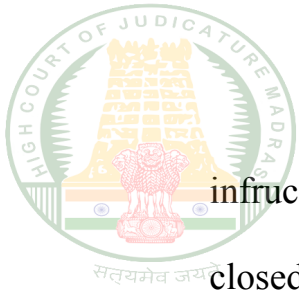


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4. Originally, the respondents / decree holders filed a suit in O.S.No.638 of 2020, for recovery of possession and damages and the said suit was decreed in their favour on 10.02.2023. Thereafter, an appeal suit has been filed by the revision petitioner, which came to be dismissed for non prosecution on 21.06.2024. Thereafter, the respondents / decree holders filed execution petition in E.P.Nos.4135 & 4137 of 2023, wherein, the revision petitioner was set exparte on 13.02.2024. Aggrieved by which, the revision petitioner filed an application to set aside the ex parte order dated 13.02.2024, along with 133 days delay. The said application was dismissed by the trial Court.

5. Now, it appears that delivery was also ordered by an order dated 25.06.2024. Therefore, the executing Court considering the fact that the said application has been filed to delay the execution proceedings and not satisfied with the sufficient cause, dismissed the application. Since the delay application has also not been properly explained and further final order of delivery was also passed in the execution petition, this Court do not find any merits in the present revision petitions.

In the result, both the Civil Revision Petitions are dismissed as



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infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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To
IXth Assistant City Civil Court



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N.SATHISH KUMAR, J.

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