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CRP No.5042 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31-10-2025
CORAM
THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.5042 of 2025
and CMP No.25448 of 2025

1.D.Kalpana
2.Miss.Sandhya

.. Petitioners

Vs

R.M.Hemalatha

.. Respondent

Revision filed under Section 115 of Civil Procedure Code against the order made in E.A.No.2 of 2025 in E.P.No.1798 of 2024 in O.S.No.7497 of 2022 dated 26.09.2025 on the file of X Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.A.Sundara Vadhanan
For Mr.M.Arun
For Respondent : Mr.A.Umasankar

ORDER

Heard Mr.Sundaravadhanan, learned counsel for the petitioners and Mr.A.Umasankar, learned counsel for the respondent.



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2. The petitioners challenge the order of delivery in the execution proceedings. The only contention advanced by the learned counsel for the petitioners is that an application to set aside the exparte decree has already been filed along with an application to condone the delay and the said condonation of delay application is shortly coming up for an enquiry and he would therefore seek for some protection till the disposal of the application, filed under Section 5 of Limitation Act.

3. Learned counsel for the respondent would however strongly object to the request of the petitioners, contending that respondent is the auction purchaser and the petitioner is an encroacher who is squatting on the property for the last four years without payment of any rent.

4. However, considering the fact that decree is now sought to be set aside and the application for condonation of delay in I.A.No.2 of 2025 is ripe for enquiry, in the interest of justice, I deem it necessary and proper to dispose of civil revision petition in the manner following:

- (i) The order passed in the execution petition shall stand deferred till the disposal of I.A.No.2 of 2025



in O.S.No.7497 of 2022 and the XIX Additional Judge, City Civil Court, Chennai, shall conduct due enquiry and dispose of I.A.No.2 of 2025 within a period of three weeks from the date of receipt of a copy of this order

(ii) Subject to the decision in the Section 5 application, the execution petition may be proceeded with/disposed.

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

31-10-2025

To
The XIX Additional City Civil Court,
Chennai



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P.B.BALAJI.,J

SR

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