



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.B. BALAJI

C.R.P(NPD)No. 5248 of 2025

and

C.M.P.No.26874 of 2025

T.Kondiah (Deceased)

1. Yasodhama
2. Bramaiah
3. Siddaiah
4. Chinna Brammaiah
5. Vasantha Kumar

...Petitioners

vs-

V.Balaji

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 13.10.2025 in E.A.Sr.No.47184 of 2025 in E.P.No.1511 of 2023 in O.S.No.2459 of 2022 on the file of IX Assistant City Civil Court at Chennai.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.J.Ramkumar

ORDER

This Civil Revision has been filed seeking to set aside the order passed by the Hon'ble IX Assistant City Civil Court at Chennai dated



13.10.2025 in E.A.Sr.No.47184 of 2025 in E.P.No.1511 of 2023 in
O.S.No.2459 of 2022.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners have filed an application under Section 47 of the Code of Civil Procedure questioning the executability of the decree in O.S.No.2459 of 2022. The petitioners have alleged fraud and also undue influence. The application, even at the stage of numbering, was heard under the caption “for maintainability” and after hearing both the learned counsel for the Judgment Debtors as well as the Decree Holder, the Executing Court found no merit in the objections raised by the revision petitioners and proceeded to dismiss the Section 47 application.

4. However, the learned counsel for the petitioners states that the father of the petitioners was a defendant in the suit and pursuant to his demise, the petitioners have taken out applications to set aside the exparte decree along with an application to condone the delay in I.A.Nos.6 and 7 of



2025 in O.S.No.2459 of 2002 on the file of the XXI Additional City Civil Court at Chennai. He further submits that the said applications are being enquired into and therefore prays that the execution proceedings may be deferred and that a direction be issued to the trial court to dispose of the said applications on merits and in accordance with law.

5. The learned counsel for the respondents would submit that the petitioners have approached this Court with delay at every stage and are not entitled to any indulgence whatsoever.

6. However, considering the fact that the Section 47 application has been dismissed and the execution proceedings is about to be proceeded with, in order to execute the decree and at the same time, the applications filed to set aside the ex parte decree along with the application to condone the delay are pending in I.A.Nos.6 and 7 of 2025, it would be fair and proper for the trial court to take up the enquiry in the said interlocutory applications and decide the same expeditiously and in any event, not later than 05.12.2025. The execution proceedings shall either go on or be dropped subject to the decision in I.A.Nos.6 and 7 of 2025 in O.S.No.2459



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of 2002.

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7. The learned counsel for the petitioner has also brought to the notice of this Court that the enquiry in I.A.Nos.6 and 7 of 2025 has been posted to 17.12.2025. It is open to either of the parties to move an application to advance the hearing in order to comply with the orders of this Court.

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

06.11.2025

Index : Yes/No
Speaking Order : Yes / No
srn

Note : Issue order copy on 10.11.2025.

To

The IX Assistant City Civil Court at Chennai



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P.B. BALAJI, J,

srn

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