



WEB COPY



CRP No.5679 of 20_

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5679 of 2025 and CMP No.28381 of 2025

V.Sekar

... Petitioner

Vs.

T.Panchatcharam

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 23.10.2025 made in E.A.No.1 of 2025 in E.P.No.35/2024 on the file of Principal District Munsif Court at Alandur.

For Petitioner:	Mr.AR.L.Sundaresan Senior Counsel For Mr.S. Mohanasundararajan
For Respondent	: Mr.V.Srikanth

ORDER

Heard Mr.AR.L.Sundaresan, learned Senior Counsel appearing for Mr.S.Mohanasundararajan, counsel for the revision petitioner and Mr.V.Srikanth, learned counsel for the respondent.

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2. The revision petitioner is the judgment debtor, who suffered a decree for ejectment in the suit filed by the respondent in O.S.No.2164 of 1997. Pursuant to the decree, the petitioner filed a first appeal and the same was dismissed for default on 09.10.2023. Thereafter, Execution Petition in EP No.35 of 2024 has been filed, where, the respondent/decree holder has mentioned that though the first appeal was filed in A.S.No.245 of 2021, in view of the same being dismissed, there is no impediment for the decree passed by the trial court being executed. Learned Senior Counsel, however brings to my notice that subsequent to the dismissal of A.S.No.245 of 2021, the order dismissing the appeal has been set aside and the appeal is ripe for arguments.

3. Learned counsel for the respondent would submit that the appeal is now posted to 05.12.2025 for arguments and is no error has been committed by the executing court in ordering delivery, since there is no stay.

4. However, considering that the first appeal is now being taken up, it would suffice to direct the Sub Court to hear the appeal and dispose of the same on merits.



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5. Accordingly, the Subordinate Judge, Alandur is directed to hear the first appeal in A.S.No.245/2021 along with connected appeals in A.S.Nos.187/2021, 200/2021 and CMA No.11/2021, which are also pending before Sub Court, Alandur, and dispose of the same on merits and in accordance with law, on or before 31.01.2026. The proceedings in the Execution Petition shall be deferred till the final decision in the said appeals.

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

02.12.2025

Neutral Citation: Yes/No

Speaking Order/Non-speaking Order

Index : Yes / No

sr

To

The Subordinate Court, Alandur



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