



WEB COPY

CRP.No.613 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

**CRP No. 613 of 2021
and CMP.No.5577 of 2021**

C.Selvaraj (Died)

1. S.Ravichandran

2. S.Chandra Sekar

3.S.Jegadambal

4.S.Rajalakshmi

...Petitioners/petitioners/Respondents/
Judgment Debtors 2 to 5

Vs

1.V.V.Ramaswamy (Died)

... 1st Respondent/Respondent/
Petitioner/Decree Holder

2. Sai Gopal

3. Sai Manohar

...Respondents 2 and 3/ LR's of
deceased 1st Respondent

Sole Respondent died.

Respondents 2 & 3 are brought on record as
Legal Representatives of the deceased sole
respondent Viz V.V.Ramasamy vide Court
order dated June 21 2024, made in
CMP.No.6383 of 2024 in CRP.NO.613 of
2021.

PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the docket order dated December, 21 2017 passed in EA.No.997 of 2017 in EP.No.27 of 2017 in O.S.No.48 of 2006 on the file of the II Additional Sub Court, Coimbatore.



For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.S.Mukunth Senior Counsel
Assisted by Mr.A.Parthasarathy for R2 & R3

ORDER

This revision petition has been filed by the petitioners/judgment debtors, against the Docket Order dated December 21 2017 passed in EA No.997 of 2017 in EP.No.27 of 2017 in OS No.48 of 2006, by the “II Additional Sub-Court, Coimbatore,” (“Trial Court” for brevity) dismissing the application filed under Order XXI Rule 26 read with Section 151 of Code of Civil Procedure, 1908 (‘CPC’ for short), seeking to stay the operation of the decree in O.S.No.48 of 2006.

2.The deceased plaintiff, who is the 1st respondent herein, during his life time filed a suit in OS No.48 of 2006, for specific performance of the agreement of sale dated July 16, 2004 which was decreed *ex-parte* on August 31 2016. The petitioners/defendants filed a petition under Section 5 of the Limitation Act, 1963, seeking to condone the delay of 398 days in filing a petition to set aside the *ex-parte* decree vide IA No.1088 of 2017. The Trial Court, vide order dated December 14 2018, declined to condone the delay and dismissed the petition. Aggrieved by the same, the petitioners/defendants approached this Court by filing a revision petition in CRP No.1851 of 2020.



3.This Court vide order dated December 04 2025, dismissed the said revision petition having arrived at a conclusion that Trial Court has rightly declined to condone the delay as the reason assigned by the petitioners/defendants are not convincing and as such no interference is warranted.

4.Now, it is reported that pursuant to the *ex-parte* decree and judgment dated August 31 2016, a sale deed has been executed by the executing Court. Therefore, nothing survives in this revision petition for further adjudication. Hence, this Civil Revision Petition stands dismissed. Considering the facts and circumstances of the case there shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

04-12-2025
(2/2)

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To
The II Additional Sub Court,
Coimbatore.



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R.SAKTHIVEL, J.

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