



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1517 of 2025

and

C.M.P.(MD)No.7681 of 2025

V.Rajeshwaran

...Petitioner

Vs.

Sri Ram Finance Ltd.,
Rep. by its power of attorney,
S.Ramamoorthy,
Door No.61C/2, 1st Floor,
Varadarajan Nagar,
Periyakulam Taluk,
Theni District.

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the fair and executable order dated 13.03.2025, made in E.A.No.02/2024 in E.P.No.18 of 2024 on the file of the Sub Court, Periyakulam.

For Petitioner : Mr.R.Suriya Narayanan



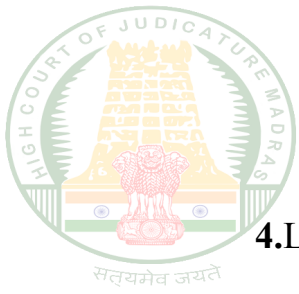
ORDER

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This petition has been filed seeking to quash the order dated 13.03.2025, made in E.A.No.02/2024 in E.P.No.18 of 2024, on the file of the Sub Court, Periyakulam.

2.Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

3.The petitioner is the second defendant in the suit. The first defendant in the suit borrowed a sum of Rs.2,01,522/- from the respondent herein and since he failed to pay the amount, in which the petitioner stood as a guarantor, respondent herein filed A.C.No.759 of 2013, on the file of sole arbitrator appointed as per Loan cum Hypothecation agreement dated 30.04.2012. The sole arbitrator passed an award in favour of the respondent. For execution, the respondent filed an execution petition in E.P.No.18 of 2024 and the said execution petition was ordered ex-parte on 06.03.2024 under order 21 Rule 11 of CPC. As against which the petitioner filed Execution Application in E.A.No. 02/2024 under Order 21 Rule 106(2) of CPC and the same was dismissed on the ground that the petitioner filed the said Execution Application beyond 30 days, without condone delay petition. Challenging the same, the present Civil Revision Petition has been filed.



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4.Learned Counsel for the petitioner would submit that this Court may grant liberty to the petitioner to file execution application with a condone delay petition.

5.In view of the limited relief sought for by the petitioner, without going into the merits of the matter, this Court grants liberty to the petitioner to file execution petition with condone delay petition for challenging the order made in E.P.No.18 of 2024, in the manner known to law.

6.Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Sub Court,
Periyakulam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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