



CRP(MD). No.1727 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/06/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1727 of 2025
and CMP(MD) No.9378 of 2025**

P.Alagappan

... Petitioner

Vs

S.Chandrasekar

... Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 28.11.2024 passed in EA No.29 of 2020 in EP No.216/201 in OS No. 516/2016 on the file of Principal Subordinate Judge, Madurai.

For Petitioner : Mrs.Lakshmi Gopinathan

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 28.11.2024 passed in EA No.29 of 2020 in EP No.216/201 in OS No.516/2016 on the file of Principal Subordinate Judge, Madurai.

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

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3. The learned counsel for the petitioner would submit that the respondent filed a suit in OS No.516/2016 for recovery of money and an exparte order was passed on 07.11.2016. On the basis of the exparte order, the respondent filed an execution petition in EP No.216/2019 and the same was awarded exparte on 12.02.2020 and thereafter, the petitioner filed an application against the exparte order, however, since there was a delay in preferring the said petition, IA No.115/2021 has been filed to condone the delay in setting aside the exparte decree. Subsequently, the petitioner filed an application in EA No.29/2020 to stay the exparte order in EP No.216/2019. However, the said petition was dismissed. Challenging the same, the petitioner is before this Court with this Civil Revision Petition.

4. The learned counsel for the petitioner would submit that admittedly the suit and EP was awarded exparte without providing any opportunity to the petitioner. Accordingly the petitioner filed an interlocutory application for condoning the delay in IA No.115/2021 and without disposing the said interlocutory application, dismissing the application for stay is not sustainable. However, he would submit that



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this Court may direct the trial Court to dispose the IA No. 115 of 2021 for condoning the delay in setting aside the exparte decree within a reasonable time and till such time, the trial Court may be directed to not to take coercive action.

5. I have considered the rival submissions and perused the materials available on record.

6. Admittedly, the application for condoning the delay in setting aside the exparte order is pending before the trial Court. Therefore, the trial Court is directed to dispose IA No.115/2021 and till such time, no coercive action shall be taken.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

24.06.2025

NCC : Yes/No
Index : Yes/No
RR



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1. The Principal Subordinate Judge, Madurai.

2. VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1727 of 2025**

Date : 24/06/2025