



C.R.P.(MD)No.2158 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.2158 of 2025

and

C.M.P. (MD) No.12618 of 2025

1. S.Anitha Kumari
2. Archana

... Petitioner(s)

Vs.

1. P.Girija Devi Amma
 2. Sajith
 3. Dr.Sandya
- Rep. by Power of Attorney Holder
Sajith

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the order and decreetal order passed in E.P.No.20 of 2023 in O.S.No.41 of 2018 on the file of the Additional District Sessions Judge, Padmanbhapuram dated 06.06.2025.

For Petitioner : Mr.Charles Kamalesh M. Appaji

ORDER

This Civil Revision Petition is filed seeking a direction to set aside the order and decreetal order passed in E.P.No.20 of 2023 in O.S.No.41 of 2018 on the file of the Additional District Sessions Judge, Padmanbhapuram, dated 06.06.2025.



C.R.P.(MD)No.2158 of 2025

WEB COPY

2. Since no adverse order is going to be passed as against the respondents, notice to them is dispensed with.

3. The revision petitioners are the defendants in O.S.No.41 of 2018. They had appointed an advocate to contest the case. However, the said advocate did not properly contest the case, resulting in an exparte decree being passed in the year 2022. Thereafter, the respondent/plaintiff filed E.P.No.20 of 2023 which was allowed in her favour on 06.06.2025. Challenging the said decree, the present civil revision petition has been filed by the petitioner.

4. The learned counsel for the petitioners would submit that the petitioners have filed a petition to condone the delay in I.A.No.1 of 2025 seeking to set aside the exparte decree, which is pending on the file of learned Additional District Sessions Judge, Padmanbhapuram. It is contended that disposing of the execution petition first without adjudicating the condone delay petition is not justifiable and on this sole ground, the present revision petition has been filed.

5. However, the fact remains that, as on date, there is no restraint operating against the judgment and decree passed in O.S.No.41 of 2018. The



C.R.P.(MD)No.2158 of 2025

execution petition was filed in the year 2023, whereas the condone delay petition was filed in the year 2025, after a lapse of two years. In the absence of any stay or restraint order, the trial Court was rightly justified in allowing the execution petition and therefore, there is no ground to interfere with the same.

6. Accordingly, the civil revision petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.08.2025

Index : Yes/No
Internet : Yes / No
PKN

To

- 1.The Additional District Sessions Judge, Padmanbhapuram.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2158 of 2025

M.DHANDAPANI,J.

PKN

C.R.P.(PD)(MD)No.2158 of 2025

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