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CRP No. 2034 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2034 of 2026
and CMP No.9045 of 2026**

1. D.Muthaiyan
S/o.Duraisamy, No.3 Pillaiyar Koil Street,
Thirubhuvanai and Post, Puducherry.

Petitioner(s)

Vs

1. Sumathi
W/o.Thulasi, Mariamman Koil Street,
Navarukulam, Puducherry.

2.M.Thulasi
S/o.Munusamy, Pillaiyarkoil Koil Street,
Thirubhuvanai, Mannadipet Commune,
Puducherry.

3.M.Mangaiyarkarasi
W/o.Muthiyan, Thoppu Street,
Thirubhuvanai, Mannadipet Commune,
Puducherry.

Respondent(s)

Revision filed under Section 115 of the Civil Procedure Code against the order dated 09.12.2025 made in E.A.No.22 of 2025 in E.A.No.43 of 2023 in E.P.No.86 of 2008 on the file of 2nd Additional District Munsif Court, Puducherry.

For Petitioner(s): M/S. P.V.Rajeswari

For Respondent(s): M/s.N.U.Pressanna



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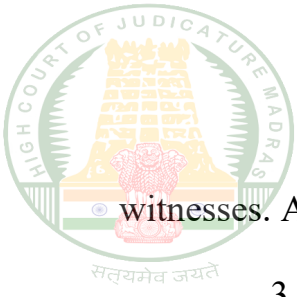
CRP No. 2034 of 2020

N.Iswaryam For R1
Rr 2 And 3 - Service Awaited

ORDER

Challenging the order passed in E.A.No.22 of 2025 in E.A.No.43 of 2023 in E.P.No.86 of 2008, the present revision has been filed.

2. The revision petitioner is the third party obstructor in EP No.86 of 2008 and the revision petitioner has filed an obstruction petition in E.A No.43 of 2023 in respect of executing the delivery as per the decree passed in O.S.No.1746 of 2006. pending E.A.No.43 of 2023, the revision petitioner filed an application in E.A.No.22 of 2025 to condone the delay in filing the list of witness and receive the same and also permit him to examined the witnesses. The same was dismissed by the trial court holding that the purpose for which the witnesses sought to be examined by the revision petitioner has already been adduced as documentary evidence through PW1 and the purpose and scope of examination of each witness separately has not been mentioned in the petition and unless the purpose of examining each witness is separately mentioned, the relevancy of the witness sought to be examined cannot be determined and the trial court has also held that as per the directions of the Hon'ble Supreme Court in the case of Periyammal (dead through LRs) vs V.Rajamani and Another reported in 2025 INSC 329, execution petition has to be disposed of within six months and therefore the Court is duty bound to curtail unnecessary delay in proceedings and to restrict the examination of irrelevant



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witnesses. Aggrieved by the same, the present revision has been filed.

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3. Before the executing court the revision petitioner filed E.A.No.22 of 2025 to condone the delay in filing the list of witness and receive the same and also permit him to examined the witnesses. Admittedly, the petitioner's wife is the second defendant in the suit. So far, the decree standing in the name of the plaintiff has not been challenged and no stay has been obtained. While the plaintiff executing the decree, the revision petitioner, who is the husband of the second defendant has filed E.A.No.22 of 2025 and also sought for to condone the delay in filing the list of witnesses and receive the same and also permit him to examine the witnesses. Since the decree, as on date, is in force, the trial Court has rightly dismissed the application, which requires no interference.

4. Accordingly, the civil revision petition is disposed of with a direction to the executing court to dispose of E.A.No.43 of 2023 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

22.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-Speaking Order



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T.V.THAMILSELVI.,J

sr

To

The II Additional District Munsif Court, Puducherry

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