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CRP No. 606 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 606 of 2026

A.Janarthanan

S/o.Ariyaboothi,

No.20/B, 3rd Cross Veerappa Nagar,

Krishnagiri District.

..Petitioner(s)

Vs

K.Govindarajan

S/o.Krishna Gounder,

No.5/1122,

B.D.O., Vairanathan Street,

Senthil Nagar,

Collectorate Post,

Dharmapuri district.

..Respondent(s)

Prayer:Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the decreetal order and judgment dated 21.4.2025 passed in EP.No.6/2018 on the file of the Learned Principal District Court at Krishnagiri.

For Petitioner(s):

R.Raji



Order

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The Decree holder is the revision petitioner. He has filed EP.No.6/2018 before the Principal District Court, Krishnagiri for executing the award passed in favour of the revision petitioner in arbitration proceedings. The Execution Petition was posted for orders and the counsel for the petitioner had also argued the matter and thereafter, the Court has *suo motu* reopened the EP for clarification. It appears from the noting of the learned Principal District Judge that there has been no representation on the side of the decree holder to clarify the queries posed by the learned Principal District Judge. On account of, there being repeated absence on the side of the decree holder, learned Principal District Judge has dismissed the EP.

2. The learned counsel for the petitioner invited my attention to the application filed for setting aside the said order of dismissal of the Execution Petition. The learned Judge has returned the application stating that there is no provision for setting aside the exparte dismissal order passed in the Execution Petition. Order 21 Rule 106(1) CPC provides for a window for an aggrieved party, who suffered an exparte order under Sub rule 2 of Rule 105 of Order 21, to set aside the said order and the Court has the power to set aside the dismissal order if sufficient cause for non appearance is shown. Therefore, the return of the application, filed by the petitioner to set aside the exparte dismissal order on



the ground that there is no provision, is unsustainable.

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3. Though the petitioner has prayed for the relief of setting aside the dismissal order dated 21.04.2025 in E.P.No.6/2016, the petitioner having already approached the Execution Court under Order 21 Rule 106(1) CPC, I am unable to entertain the revision in exercise of powers under Article 226 of the Constitution of India. Be that as it may, the petitioner is not without remedy. The petitioner's application under Order 21 Rule 106(1)CPC shall be represented, if returned already and on such representation, the learned Principal District Judge shall number the application and dispose of the same in accordance with Order 21 Rule 106(1) CPC, within a period of 30 days thereafter.

Accordingly, this Civil Revision Petition is disposed of. No costs.

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Principal District Court,
Krishnagiri.



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P.B.BALAJI J.

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