



WEB COPY

CRP No. 765 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

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

CRP No. 765 of 2026

and CMP.No.4018 of 2026

Santha Bai

..Petitioner(s)

Vs

Muthukumaran

..Respondent(s)

The Civil Revision Petition is filed to Set aside the Order dated 18.11.2025 passed in EA No. 40 of 2025 in EA No.164 of 2024 in EP No. 40 of 2023 in OS No. 186 of 2013 on the file the Principal District Munsif, Chidambaram and allow the Revision Petition

For Petitioner(s): Mr.Gururaj
for M/s.D.Baskar

For Respondent(s): Mr.J.Titus Enock

ORDER

Heard Mr.Gururaj, learned counsel for the petitioner and Mr.J.Titus Enock, learned counsel for the respondent.



2. Challenging the order of dismissal in EA No. 40 of 2025, which was filed to reject the EA No.164 of 2024, the present Revision Petition has been filed.

3. Mr.Gururaj, learned counsel for the petitioner states that the petitioner was the owner of the property and her husband having settled it on her, which was not brought to the notice of the Court at the appropriate time. He would further state that the petitioner is aged 84 years and she is not in a position to come out of her house in order to contest the proceedings.

4. The learned counsel would further invite my attention to the order passed by this Court in CRP.No.3057 of 2024 dated 06.01.2022, where this Court gave liberty to the petitioner to agitate all her contentions in the pending first appeal, while dismissing the revision challenging the rejection of the application filed to reject the plaint. He would therefore prays that the order in EA.No.40 of 2025 may be set aside and EA.No.164 of 2024 be dismissed/rejected.

5. Per contra, Mr.J.Titus Enock, learned counsel for the respondent states that EA.No.164 of 2024 is pending and the Court has not passed any orders. It is posted for enquiry, and at that stage, after having filed counter, the petitioner



has taken out E.A.No.40 of 2025 only with a view to protract the proceedings and the learned Principal District Munsif, Chidambaram has rightly dismissed the application. Therefore, he prays that the revision be dismissed.

6. I have carefully considered the submissions advanced by the learned counsel for the parties.

7. Admittedly, the petitioner suffered a decree before the Trial Court and has challenged the same by way of first appeal. Further, the first appeal has been dismissed for non prosecution and an application to restore the appeal is said to have been filed. According to the learned counsel for the respondent, the application is not even numbered.

8. I have gone through the order passed by this Court in CRP(NPD).No.3057 of 2021. The very same contentions were taken by the petitioner in the unnumbered application to reject the plaint in pending appeal AS.No.19 of 2019. This Court, finding that there are no grounds to reject the plaint at the appeal stage, that too, on the grounds set forth by the petitioner, gave liberty to the petitioner to raise all the contentions in the pending appeal and dismissed the CRP. A direction was also given to the learned Additional District Judge, Chidambaram to dispose of the appeal within a period of six months.



10. In the light of the above, the application in E.A.No.40 of 2025 is nothing but an attempt to gain time and protract the proceedings to ensure that the respondent is not able to enjoy the fruits of the decree. In any event, this Court has directed the petitioner to canvass all her grounds and contentions in AS.No.19 of 2019. Therefore, I do not find any necessity for the Execution Court to decide EA.No.40 of 2025 and reject the EA.No.164 of 2024. The Executing Court has rightly dismissed the application, holding that it is not maintainable and the Court cannot go beyond the decree. If at all the petitioner has any grievance, it should be agitated only in the appeal filed by her. It is for the petitioner to have the appeal restored and get the same disposed of expeditiously.

11. In the light of the above, I do not find any merit in the revision and the well considered order in EA.No.40 of 2025, does not deserve to be interfered with. Accordingly, the Civil Revision Petition is dismissed. No costs.

12. Considering that the Hon'ble Supreme Court has given directions that the Execution Petition has to be disposed of expeditiously and within a period



of six months and considering that the present Execution Petition is pending from 2023, the learned Principal District Munsif, Chidambaram, shall dispose of the EP within a period of three months. No costs. Consequently, connected miscellaneous petition is closed.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS

To

1. The Principal District Judge,

Chidambaram

2. Principal District Munsif Judge, Chidambaram



WEB COPY

CRP No. 765 of 2



P.B.BALAJI, J.

PVS

CRP No. 765 of 2026

16-02-2026