



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

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

**CRP No. 1049 of 2026
and CMP.No.5597 of 2026**

1.Kanaga

2.Malarmathi

..Petitioner(s)

Vs

Perumal (Died)

1.Pazhani

2.Rajendiran

3.Kumar

..Respondent(s)

CRP filed under Section 115 of CPC to set aside the fair and decretal order dated 11.12.2025 passed EP.No.4/2022 in OS.No.9/2017 on the file of Additional District Munsif Court, Tirupathur, Tirupathur Dist.

For Petitioner(s):

Mr.Pa.Sudesh Kumar

ORDER

Heard Mr.Pa.Sudesh Kumar, learned counsel for the petitioners.

2. The petitioners have sought for stay of the Execution Proceedings launched by the respondents/decreed holders pursuant to the decree granted in



OS.No.9 of 2017. According to the learned counsel for the petitioners, they already challenged the judgment of the Trial Court in AS.No.3 of 2022 before the Sub Court, Tirupathur and even though an application for stay in I.A.No.1 of 2023 was filed, the First Appellate Court has not granted any interim protection to the petitioner. Hence, the petitioner has come up by way of this Revision Petition challenging the order of delivery of possession passed by the Executing Court.

3. I do not see any merit in the revision, since admittedly, the petitioners having filed the first appeal, were not successful in getting any interim orders, pending the first appeal. Therefore, there was no error committed by the Executing Court in ordering delivery taking note of the fact that the stay application was not entertained by granting any interim order by the First Appellate Court.

4. The learned counsel for the petitioner however would seek for at least a direction to the First Appellate Court, namely, Sub Court, Tirupathur, to dispose of the appeal expeditiously.

5. Considering that the petitioners have suffered adverse orders in the Execution Petition, I find this request of the learned counsel for the petitioner is reasonable. In view of the limited order that has been passed in the revision,



I dispense with notice to the respondents/decreed holders. The Sub Court, Tirupathur shall decide the stay application on a priority basis within a period of one week from the date of receipt of a copy of this order and thereafter, decide the appeal in AS.No.3 of 2022 on merits. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS

To

1. The Sub Court, Tirupathur

2. The Additional District Munsif, Tirupathur, Tirupathur Dist.



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P.B.BALAJI, J.

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