



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

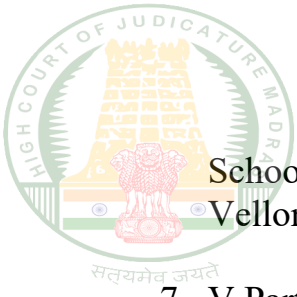
THE HON'BLE MRS.JUSTICE N. MALA

CMP No. 10825 of 2026

AND

CRP SR NO. 56346 OF 2026

1. T.V.Varadharaja Mudaliar (Deceased),
V.Padmavathi (Deceased), I.P.Devaki
W/o.Pazhaniyandi Mudaliar,
Rest.at No.25 Ennaikara Street,
Kancheepuram.
2. V.Bakiyanathan
S/o.Late Varadharaja Mudaliar,
No.4/16 Savadi Street,
Panapakkam Village and Post,
Arakkonam Tk., 631 052
3. V.Janarthanam
S/o.Late Varadharaja Mudaliar,
No.4/16 Savadi Street,
Panapakkam Village and Post,
Arakkonam Tk., 631 052
4. D.Vedavalli
W/o. Thandabani Mudaliar,
D/o.Varadaraja Mudaliar,
Big Street,
Pudhupet, Nedumbuli Village,
Nemli Tk., Ranipet Dist.
5. V.Jayavel
S/o.Late Varadharaja Mudaliar,
No.4/16 Savadi Street,
Panapakkam Village and Post,
Arakkonam Tk., 631 052
6. J.Gajalakshmi
D/o.Late Varadharaja Mudaliar,
W/o.S.Jayaprakasam,



School Street, Sathuvacheri,
Vellore 632 009.

7. V.Parthiban
S/o.Varadharaja Mudaliar,
No.4/16 Savadi Street,
Panapakkam Village and Post,
Arakkonam Tk., 631 052

..Petitioner(s)

Vs

Vijaya
W/o.P.Parthasarathy,
No.9 Kottai Street,
Panapakkam Village and Post,
Arakkonam Tk ,
Vellore.
Cause title accepted vide Court order dated
21.4.2026 made in CMP.No.10598/26
in CRP.Sr.No.56346/2026

..Respondent(s)

CMP No. 10825 of 2026

To condone 19 days delay in filing the above mentioned case and
thus render justice.

For Petitioner(s): Mr.S.Sathish Kumar

ORDER

This CMP is filed to condone the delay of 19 days in preferring the Civil
Revision Petition.



2.The CRP is filed against the order dated 09.12.2025 in EP.No.12 of 2018, allowing the respondents execution petition and directing delivery of property by 22.01.2026.

3.The 3rd petitioner has filed the affidavit, on behalf of other petitioners also. In the affidavit in support of the petition to condone the delay of 19 days, the petitioner stated that due to his medical condition and also due to the delay in applying for the certified copy of the order, the delay of 19 days occurred in filing the CRP.

4.When the matter was taken up for hearing on 24.04.2026, the learned counsel for the petitioners submitted that there was an immediate threat of dispossession and therefore sought permission of the Court to take notice to the respondent both through Court as well as privately returnable by 29.04.2026. The learned counsel further sought permission of the Court to serve notice to the learned counsel who appeared for the respondent before the lower Court. In view of the urgency expressed by the learned counsel for the petitioners, notice was ordered both through Court as well as privately returnable by 29.04.2026, and he was further permitted to serve notice on the learned counsel who appeared for the respondent before the Executing Court.



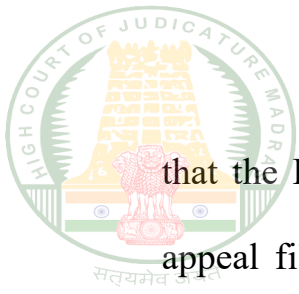
5. When the matter is taken up for hearing today, the learned counsel for the petitioners filed affidavit of service annexing the tracking record in proof of delivery of private notice to the respondent. The learned counsel also filed a copy of the letter addressed to the learned counsel appearing for the respondent before the lower Court, acknowledged by him on 27.04.2026. However, the learned counsel failed to pay the batta for service of Court notice.

6. The learned counsel for the petitioners submitted that there was delay of only 19 days in preferring the CRP and that the said delay was properly explained in the affidavit.

7. This Court has gone through the affidavit filed in support of the petition and finds that the delay occurred due to the medical condition of the petitioner and also due to the delay in applying for certified copy of the order.

8. Being satisfied with the reasons cited, **the delay of 19 days is condoned and the petition is accordingly allowed.**

9. The learned counsel for the petitioners submitted that consequent to the impugned order passed in the execution petition, the petitioners may be thrown out of the suit property at any moment and therefore, in the interest of justice, an interim order of stay may be granted. The learned counsel further submitted



that the Executing Court committed an illegality in assuming that the second appeal filed by the petitioners in S.A.No.71 of 2021, was dismissed for non appearance. The learned counsel produced the e-Court status report to show that the second appeal was pending.

10.This Court has gone through the e-Court status report of this Court and it is seen that the second appeal is pending disposal. It is further seen that on 23.11.2021, this Court ordered Status quo in the second appeal until further orders. The Executing Court while allowing the petition for delivery committed an apparent error in finding that the second appeal was dismissed for non appearance. The e-Court status report shows that the second appeal is still pending and a status quo order till further orders was passed. Under the circumstances, this Court is of the view that the possession of the petitioners should be protected till 01.06.2026.

11.This Court draws support from the Division Bench judgment of this Court in the case of **Gouse Bi vs. Salima Bi**, reported in **AIR 1974 Mad 220**. By exercising inherent powers under Section 151 of CPC, the Division Bench granted stay in the suit, pending disposal of the petition to condone the delay in filing the appeal under Section 5 of the Limitation Act. The Hon'ble Division Bench at para '12' held as follows:

“12. As applied to the present case, the observations might



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be translated thus. If this court were to excuse the delay then it would become clothed with power to stay execution, if necessary on suitable terms. The grant of stay at this stage is only in aid of a possible order of stay that may hereafter have to be made. Another aspect is that, if such an order is not made, irreparable harm might be caused to the appellant.”

Following the principle laid down by the Division Bench of this Court, to the present case, this Court finds that pending admission of the CRP, if the petitioners are dispossessed, consequent to the delivery order passed in the EP, irreparable harm will be caused to them. Hence, this Court is inclined to grant interim stay of **the impugned order dated 09.12.2025 in E.P.No.12 of 2018 in O.S.No.194 of 2010, on the file of the District Munsif Court, Arakonam, Vellore District, till 01.06.2026.**

12.Registry is directed to number the CRP, if it is otherwise in order and post the same for admission on **01.06.2026.**

This CMP is accordingly ordered.

30-04-2026

Internet: Yes
dsn



CMP No. 10825 of 2



To

The District Munsif, Arakonam, Vellore District.

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CMP No. 10825 of 2



N.MALA J.

dsn

**CMP No. 10825 of 2026
AND
CRP SR NO. 56346 OF 2026**

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