



WEB COPY

CRP No. 2879 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2879 of 2026

K. Jayabalakrishnan
S/o. Kaliyappa Gounder,
25/4, Andan Kovil East Post,
Karur,
Karur Taluk and District.

..Petitioner(s)

Vs

Eswaramoorthy
S/o. Ponnusamy Gounder,
Thandan Kadu, Moothanpalayam,
Mangalapatti Post, Muthur,
Kangayam Taluk,
Tiruppur District.

..Respondent(s)

PRAYER :- Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 27.02.2026 made in EP No.49 of 2020 in OS No.206 of 2017 on the file of the Sub Court, Kangayam by allowing this CRP.

For Petitioner(s):

Mr.N.Manoharan



ORDER

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Challenging the impugned fair and final order passed in E.P.No.49 of 2020 in O.S.No.206 of 2017 by the learned Sub-Court, Kangayam, the Revision Petitioner/Decree Holder had preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioner would submit that before the trial court, the Revision Petitioner filed an Execution Petition to execute the decree by arresting the Respondent/Judgment Debtor and more than thrice, he has taken steps, but by colluding with the police, the respondent/Judgment Debtor is not cooperating to execute the decree and the police also reported before this Court that the person was absconded.

3. On perusal of records, it is seen that at one occasion, he appeared before this court and gave a Muchalika and paid a sum of Rs.50,000/- and also undertook to pay the remaining amount within a period of three months. Thereafter, he was absconding. Considering that, the trial court had closed the Execution Petition as if the Revision Petitioner/Decree Holder has not taken steps to execute the warrant of arrest. However, on seeing the records, the Revision Petitioner/Decree Holder filed the Execution Petition in E.P.No. 49 of 2020, but nearly about 5 years, he struggled to get arrest of



Respondent/Judgment Debtor and there is no default on the side of Revision Petitioner/Decree Holder. Considering that, this Court is inclined to set aside the order passed by the Executing Court in E.P.No.49 of 2020 and the Execution Petition is ordered to be restored. Liberty is granted to the Revision Petitioner to execute the decree as per manner known to law. Accordingly, this Civil Revision Petition is allowed. No costs.

01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The Sub-Court, Kangayam.



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T.V.THAMILSELVI J.

RPP

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