



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3369 of 2026

AND

CMP NO. 14486 OF 2026

1. R.Ganesh

Rep by his power agent, G.Valli, W/o
R.Ganesh, Plot No.1, Door No.3/619,
EVP Rajeswari Avenue,
Madhanaandhapuram, Mugalivakkam,
Chennai - 600 125

Petitioner(s)

Vs

1. N.Ragunathan

s/o Narasimhan, Old No.3/318, New
No.3/619, Rajeswari Avenue, 40 Feet
Road, Madhanandhapuram, Chennai -
600 125

2.S.Kumar

s/o Damodaran, No.7, IV Cross Street,
R.E. Nagar, Porur, Sriperumbudur
Taluk, Kancheepuram District

3.The Block Development Officer

Kundrathur Block, Padappai

4.The Member Secretary

Chennai Metropolitan Development
Authority, Egmore, Chennai - 600 008

Respondent(s)

PRAYER

To set aside the order in EP No.19 of 2017 in OS No.459 of 2008 on the file of the learned District Munsif, Sriperumbudur, order dated 24.02.2026 passed in



the Execution Petition insofar thus render justice.

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For Petitioner(s): MR.S.VEERARAGHAVAN
FOR MR.P.Thomas Baranabas

For Respondent(s):

ORDER

The petitioner has filed this Civil Revision Petition seeking to set aside the order passed in E.P. No.19 of 2017 in O.S. No.459 of 2008 on the file of the learned District Munsif, Sriperumbudur, dated 24.02.2026.

2. The revision petitioner/Judgment Debtor filed an application in E.P. No.19 of 2017 in O.S. No.459 of 2008 under Order XXI Rule 11 of the Code of Civil Procedure, seeking a direction to the 4th respondent/4th defendant to remove the unlawful construction of the main wall situated on the western side of the B-Schedule property. In the alternative, he prayed that this Court may appoint an officer of the Court to remove the said construction under Order XXI Rule 32 CPC.

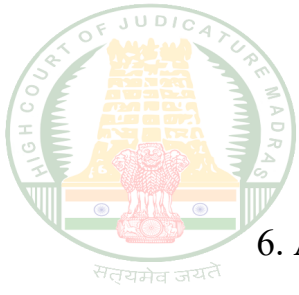
3. The learned counsel for the revision petitioner submitted that the petitioner was employed abroad and, therefore, proper notice was not served upon him, resulting in an ex parte decree being passed against him. He further



submitted that, despite the delay, the petitioner has a valid defence to establish that the B-Schedule property belongs to him. Accordingly, he filed an application under Section 47 CPC along with applications under Order XXI Rule 106 CPC and Section 5 of the Limitation Act on 14.10.2022. However, the said applications have not been taken on file till date. In the meantime, the Executing Court has proceeded with the execution proceedings and ordered delivery of possession. If the delivery warrant is executed, it would cause severe hardship to the petitioner. It is also contended that the property belongs to him and that his wife was unable to effectively follow up the proceedings due to a lack of communication from him while he was abroad. Therefore, he seeks an order of stay of the execution proceedings.

4. A perusal of the status of the execution proceedings reveals that the Judgment Debtor had filed an application on 14.10.2022. However, the same has neither been numbered nor returned or rejected by the Court as on date. Therefore, the Executing Court is directed to number the application filed under Section 47 CPC, if it is otherwise in order, and dispose of the same on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Till such time, the order of delivery passed by the Executing Court shall remain stayed.



6. Accordingly, this Civil Revision Petition is disposed of. Consequently,

connected miscellaneous petition is closed. No costs.

16-06-2026

Index: Yes/No

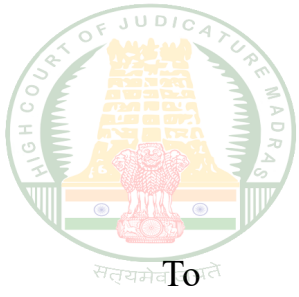
Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Note: Issue order copy by 17.06.2026



To

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