



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.3324 of 2023
and CMP. No.20628 of 2023**

T.Murugesan

Petitioner

Vs

P.K.Palanisamy

Respondent

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and final order passed in E.P. No.117 of 2019 in O.S. No.214 of 2015 on the file of the Sub Court, Udumalpet dated 31.07.2023.

For Petitioner : Mr.B.Kumarasamy

For Respondent : No Appearance

ORDER

The defendant in O.S.No.214 of 2015 before the Sub-Court, Udumalpet is the revision petitioner, aggrieved by the dismissal of E.P.No.117 of 2009 which was taken out by the petitioner for condonation of delay of 144 days in filing the application to set aside the ex- parte decree.



WEB COPY

2. Despite service of notice on the respondent, the respondent has neither chosen to appear in person nor through counsel. I have therefore proceeded to hear the learned counsel for the petitioner, Mr.B.Kumarasamy. I have also gone through the records filed by way of typed set of papers, including the impugned order in E.P.No.117 of 2009.

3. The learned counsel for the petitioner states that the Executing Court, in and by the impugned final order in the Execution Petition has directed draft sale deed to be filed in furtherance of the ex-parte decree for specific performance. Today, I have already allowed CRP.No.4542 of 2023, setting aside the dismissal of condone delay application by the Trial Court. I have also directed the Order 9 Rule 13 application, to set aside the ex-parte decree to be expedited.

4. In the light of the above, the proceedings in the Execution Petition can certainly await the decision in the setting aside application. In the event of the setting aside application Order IX, Rule 13 CPC being allowed, then no further orders can be passed in the execution petition, as the decree itself would be set aside.



5. In such circumstances, I am allowing the Civil Revision Petition with a direction to the Executing Court to await the decision in the Order IX Rule 13 application in O.S.No.214 of 2015 and subject to the decision of the same, further orders, either dismissing the Execution Petition or proceeding with the filing of draft sale deed and other follow-up steps may go on. With the above directions, Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is also closed. No costs.

25.02.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

The Sub Judge, Udumalpet.



WEB COPY



P.B.BALAJI, J.,

rkp

**CRP. No.3324 of 2023
and CMP. No.20628 of 2023
(2/2)**

25.02.2026