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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6783 of 2026
C.M.P.No.29208 of 2026
CNR: {HCMA011853082026}

W.B.Palani ..Petitioner(s)

Vs

1. Margadarsi Chits Private Limited
   Represented by its Foreman Mr.C.Siva Sankar,
   No. A1, Senthil Tower, 2nd floor,
   1st Avenue, Ashok Nagar, Chennai-600 083.
2. G.Manigandan

..Respondent(s)

Prayer:- Civil Revision Petition filed under Section 115 of Civil Procedure Code, 1908, pleased to set aside the order passed by the X Assistant City Civil Court, Chennai, in EA No.1 of 2025 in E.P.No.2708 of 2012 in A.R.C.No.374 of 2011 dated 04.07.2026.

For Petitioner(s): Mr.M.Shankarnath
For Respondent(s): M/s.D.Shivakumaran for R1

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court allowing the application filed by the first respondent seeking restoration of the Execution Petition which was dismissed for default.

2.The first respondent herein obtained an award against the petitioner under the Chit Funds Act, 1982, in A.R.C.No.374 of 2011. The said award was put into execution in E.P.No.2708 of 2012. The Execution Petition was dismissed for default on 19.09.2025. Immediately the first respondent filed an

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application to restore the Execution Petition which was dismissed for default. By the impugned order, the Executing Court allowed the restoration application. Aggrieved by the said order, the petitioner has come before this Court.

3.The learned counsel for the petitioner would submit that the first respondent has not given any sufficient reasons for their non-appearance and failure to take steps in the Execution Proceedings. According to him, the Executing Court, without considering this aspect simply allowed the restoration application.

4.It is seen from the impugned order and the typed set of papers, the first respondent filed the Execution Petition seeking an order of arrest against the petitioner and the second respondent, who are the Judgment Debtors 4 and 5 in the said Execution petition. An order of arrest was passed against the petitioner as early as 21.02.2014. Challenging the said order of arrest, the petitioner herein filed a Revision in C.R.P.No.2437 of 2014. The records were called for by this Court for the purpose of consideration of Civil Revision Petition. Ultimately, the Civil Revision Petition was dismissed on merits on 19.07.2017. However, the Execution Petition papers were not sent to the Executing Court immediately. The same was sent to the Executing Court only during April 2023. Thereafter, the Execution Petition was taken up for consideration and due to the failure of the first respondent to take steps, it was dismissed for default on 19.09.2025.

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Order QR

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5.Taking into consideration the order of arrest was passed as early as 2014, and the same was challenged in a Revision and records were called for by the High Court and the records were returned to the Executing Court only in the year 2023, the Executing Court exercised its discretion in favour of the first respondent / Decree Holder and decided to restore the Execution application.

6.It is seen that the first respondent diligently prosecuted the Execution Petition from the year 2012 and a default at one instance cannot be put against him. Therefore, I do not find any reason to interfere with the impugned order passed by the Executing Court. Hence, the present Civil Revision Petition stands dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

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

EP
To:-
X Assistant City Civil Court,
Chennai.

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S.SOUNTHAR, J.

EP

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