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CRP No. 3902 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 3902 of 2023
and CMP No.24062 of 2023**

1. D. Senthilkumar
S/o. Dhamudoss, 3 rd Street, K.R.G. Nagar,
Ganapathi, Coimbatore Dt.

Petitioner(s)

Vs

1. C. Annamalai
S/o. Chinnppa Chettiyar, Sri Lakshmi
Nagar, Ganpathi Coimbatore Dt.

Respondent(s)

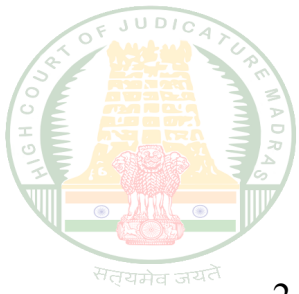
Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the order dated 01.07.2023 made in E.P.No.221 of 2020 in O.S.No.2266 of 2008 on the file of I Additional District Munsif Court, Coimbatore.

For Petitioner(s): Sanjay N Gandhi

For Respondent(s): M/s.K.Balasubramaniam

ORDER

Challenging the order of arrest passed by the executing Court in EP No.221 of 2020, the judgment debtor has preferred the present revision.



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2. Learned counsel for the petitioner/judgment debtor submits that due to lack of communication, he could not appear before the trial court. Therefore, the respondent/decree holder has obtained an ex parte decree and to execute the same, he has file EP No.221 of 2020 praying for an order of arrest of the revision petitioner/judgment debtor for the disobedience of the decree and judgment by interfering and disturbing with my peaceful possession and enjoyment of the suit property. However, the revision petitioner sold property on 19.11.2021, which is adjacent to the suit property, but, as on date, he is also not residing there. but, however, the executing court passed an order of arrest against him. Aggrieved by the same, the present revision is filed.

3. Admittedly, there is an ex parte decree and based on that, the respondent/decree holder has preferred an Execution Petition, but, as on date, as per the submission of the learned counsel for the revision petitioner, he sold the remaining extent of the property to third parties and he is not owning any property.

4. Since the parties are close relative and therefore, to give one more opportunity to prove his defence before the executing court, this Court is inclined to set aside the order of arrest and to direct the petitioner to file an objection before the trial



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court. Thereafter, the executing court is directed to proceed with the matter and dispose of E.P.No.221 of 2020 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the civil revision petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

11.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

I Additional District Munsif Court, Coimbatore.



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