



WEB COPY

CMP No. 26966 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CMP No. 26966 of 2024
in CRP No. 2393 of 2019**

Pushpa

..Petitioner(s)

Vs

Ramasamy

..Respondent(s)

CRP No. 2393 of 2019

Pushpa

..Petitioner(s)

Vs

Ramasamy

..Respondent(s)

Prayer in CMP/26966/2024: To restore the condone delay Petition vide CMP No.23539/2024 in CRP No.2393 of 2019 dismissed for default on 05.11.2024 passed by this Hon'ble Court.

Prayer in CRP/2393/2019: To allow the above Civil Revision Petition and set aside the fair and decreetal order made in EP No.47 of 2017 in Tiruvannamalai OS No.3 of 2005 on the file of the Learned Subordinate Judge, Kallakurichi, dated 24.01.2019 and thereby order for the sale of the properties

For Petitioner(s):

Mr.D.Murugan



Order

The present application seeking to restore an application seeking to condone the delay in filing the restoration petition to restore the Revision, which has been dismissed for default, had been made on the reasoning that the junior counsel attached to the learned counsel for the petitioner had failed to attend the hearing as he was held up before another Court.

2. Even though the reasoning seems to be genuine, it should be noted that the execution petition filed by the petitioner for attaching and selling the property belonging to the judgment debtor had been dismissed on the finding that the said property had been sold in an execution petition pursuant to a decree that had been granted in O.S.No.59 of 2005. As rightly pointed out by the lower court in the order impugned in the Revision, when the property itself had been sold much prior to the execution petition, where the property was attached and sold for recovering the money decree which had benefited the petitioner, this Court does not find any reasons to interfere with the same. The execution court has also granted liberty to the petitioner to file a fresh EP for recovery of the decree.

3. Considering the time lag between the said order, which is impugned in the Revision and also taking note of the fact that the Revision has been



dismissed for default as early as in the year 2024 and taking into consideration that the petitioner had been benefitted in the decree for recovery of money, the petitioner is granted four weeks time from today to file a fresh EP. If any such fresh EP is filed, within the said period granted, the issue of limitation shall not be put against the petitioner and the said EP shall be considered on its own merits and in accordance with law.

4. With the above observations, the CMP is disposed of. There shall be no order as to costs.

26-03-2026

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

TSG

Note: Issue order copy on 30.03.2026

To

The Subordinate Judge, Kallakurichi.



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K.KUMARESH BABU J.

TSG

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