



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 5092 of 2025
and CMP.No.25667 of 2025**

R.Machandra Rao,
S/o. B.N.Raja Rao, No. 14/7, Jayaraman Nagar,
4th Main Road, Thanigai Nagar, Kolathur,
Chennai-99.

..Petitioner(s)

Vs

1. Sri Janyaa Constructions
Partnership Firm, Rep. by its Partner R.Sathish,
S/o. K.Ranganathan, Polit No. 81, 6th Street,
Venus Nagar, Kolathur, Chennai-99.
2. R.Sathish
S/o. K.Ranganathan, Polit No.81, 6th Street,
Venus Nagar, Kolatur, Chennai-99.

..Respondent(s)

PRAYER

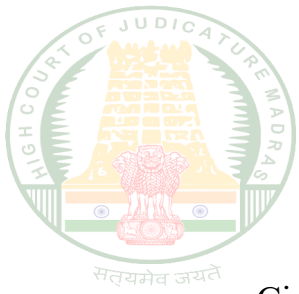
Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order passed by the Honble Principal Judge, Principal Commercial Court at Egmore, Chennai dated 28.08.2025 in EA No. 4 of 2025 in EP No. 23 of 2024 in COS No. 313 of 2022 and pass such further or other orders as this Honble Court.

For Petitioner(s):

MR. B.Vijay for Mr.S.Michael

For Respondent(s):

MS.ELIZABETH RAVI



ORDER

Civil Revision Petition has been filed challenging the order passed by the Principal Judge, Principal Commercial Court, Egmore, Chennai, dated 28.08.2025 in E.A. No. 4 of 2025 in E.P. No. 23 of 2024 in C.O.S. No. 313 of 2022.

2. The revision petitioner challenging the execution petition in E.P.No.23 of 2024 has filed E.A. No. 4 of 2025. He is the second respondent in the execution petition. He filed an application to set aside the order, but there was a delay of 30 days. However, without filing any application to condone the delay, he straight away filed the application in E.A.No.4 of 2025. Therefore, the Court has rightly dismissed the same. Aggrieved by that, the present revision has been filed.

3. Admittedly, there is a delay in filing the application to set aside the ex parte order, but the revision petitioner has not filed any application to condone the delay. However, the petition was dismissed by the Trial Court on the ground that Section 5 application had not been filed. On perusal of the papers, it is seen that before the Executing Court, the revision petitioner had filed an application under Section 5 of the Limitation Act, and the same was returned by the Registry stating that the petition was not necessary. Therefore,



the revision petitioner had taken steps to set aside the ex parte order by filing an application to condone the delay along with the application to set aside the ex parte order, but the Court had erroneously returned the said application, and there was no fault on his part.

4. In such circumstances, the revision petitioner is directed to deposit Rs.15 lakhs before the Executing Court and proceed with the matter. Therefore, the impugned order in E.A. No. 4 of 2025 is set aside, and the Executing Court is directed to number the Section 5 application filed by the revision petitioner, on condition that he deposits Rs.15 lakhs before the Executing Court, and thereafter proceed with the application under Section 5, which has already been filed.

5. Accordingly, the revision is disposed of by giving opportunity to both parties, and the Executing Court is directed to dispose of the matter at an early date. The amount of Rs.15 lakhs shall be deposited within four weeks. Till then, the execution proceedings are ordered to be stayed. If the amount is not deposited within four weeks, the order of stay shall stand automatically vacated. No costs. Consequently, the connected miscellaneous petition is closed.

08-06-2026

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



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T.V.THAMILSELVI, J.

MPA

To

1. The Principal Judge, Principal Commercial Court, Egmore, Chennai.
2. The Section Officer, VR Section, High Court, Madras.

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