Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6906 of 2026
C.M.P.No.29688 of 2026
CNR: {HCMA012616832026}

1. Yogesh.M.U
2. Mohan Babu

..Petitioner(s)

Vs

M/s.EVP Rajeshwari Palace
Rep. by Sanmitha Narayanan,
No. 23, Thiyagraya Road,
Pondy Bazaar, T Nagar,
Chennai - 600 017.

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, pleased to set aside the docket order dated 16.10.2026 made in E.A.S.R.No.3343 of 2026 in E.P.No.8 of 2026 on the file of the Additional District and sessions Judge , -II Poonamallee and thus render justice.

For Petitioner(s): Mr.R.S.Mohan
For Respondent(s): Mr.R.Murali
Caveator for Sole Respondent

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court returning an application filed by the petitioners seeking stay of execution pursuant to the award obtained by the respondent in Arbitration O.P. (Com.Div)No.94 of 2024 dated 05.03.2025.

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2.The learned counsel appearing for the petitioners would submit aggrieved by the arbitration award dated 05.03.2025, the petitioners preferred Section 34 of the Arbitration and Conciliation Act, 1996 petiton before this Court in Arb.O.P.(Com.Div)No.480 of 2025 and the same is pending. The petitioners are unable to get the stay petition listed and hence they were constrained to file application under Order XXI Rule 26 of Code of Civil Procedure and the same was erroneously returned by the Executing Court.

3.Order XXI Rule 26 of Code of Civil Procedure reads as follows:-

26.When Court may stay execution -

1) The Court to which a decree has been sent for execution shall, upon sufficient cause being shown, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or Appellate Court if execution had been issued thereby, or if application for execution had been made thereto.

2)Where the property or person of the judgment – debtor has been seized under an execution, the Court which issued the execution may order the restitution of such property or the discharge of such person pending the result of the application.

3)Power to require security from, or impose conditions upon, judgment – debtor.- Before making an order to stay

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execution, or for the restitution of property or the discharge of the judgment – debtor [the Court shall require] such security from, or impose such condition upon, the judgment – debtor as it thinks fit.

4.A perusal of the same would indicate the Executing Court can stay Execution petition to enable the Judgment Debtor to move the Appellate Court and get the stay of execution. In the case on hand the award was passed as early as 05.03.2025. The petitioners has got nearly one year and seven months to move the Appellate forum and obtain a stay. It is also seen from the typed set of papers the petitioners already filed application under Section 34 of C.P.C. and the same has been numbered. When the petitioners has got more than one year and seven months to move the Appellate forum and obtain a stay, the present application filed by them by invoking Order XXI Rule 26 of Code of Civil Procedure is not at all maintainable.

5.Further, it is seen from the docket order passed by the Executing Court, this Court directed early disposal of the Execution Petition as per order passed in C.R.P.PD(MD)No.2545 of 2022. It is brought to the notice of this Court C.R.P number in the docket order has been wrongly mentioned and the correct C.R.P number is C.R.P.No.3715 of 2026. Order passed by this Court in C.R.P.No.3715 of 2026 is also produced before this Court. When the petitioners has got more than one and half years to move the Court under Section 34 of

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Arbitration Act and obtain a stay, the petition filed by them under Order XXI Rule 26 of C.P.C. is not at all maintainable. I do not find any error in the impugned order passed by the Executing Court. Accordingly, Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30-10-2026

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

EP
To:-
The Additional District and Sessions Judge II,
Poonamallee.

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S.SOUNTHAR, J.

EP

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