



CRP No. 321 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 321 of 2026

AND

CMP NO. 1730 OF 2026

M/s.B.J.Expo Pvt Ltd,
No.10, Adhithanar Street,
Gomadhi Nagar, Avadi,
Chennai 600 054.
Represented by its Director Jayaraman.

..Petitioner(s)

Vs

M/s.Ychem Agency
No.60 Gangadheesevaran Koil Street,
Purasawakkam, Chennai -600084
Represented by its proprietor Mr.M.K.Hariprasad

..Respondent(s)

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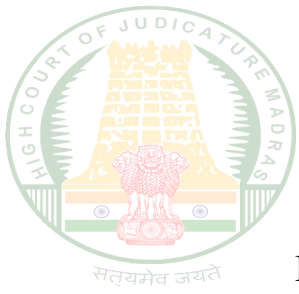
Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to set aside the order dated 29.09.2025 in EA No. 1 of 2024 in EP No. 35 of 2023, passed by the II Additional District Judge, Poonamallee, Thiruvallur, pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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To stay all further proceedings in EP No. 35 of 2023 on the file of the II Additional District Court, Poonamallee, till the disposal of the present Civil Revision Petition.

For Petitioner(s):

Mr.V.C.Janardhanan
for Mr.S.Balakrishnan



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For Respondent(s): Mr.Prakash Goklaney

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ORDER

Civil Revision Petition is filed challenging the order in E.A.No.1 of 2024 in E.P No. 35 of 2023, dated 29.09.2025 dismissing the petitioner's petition under Order 21 Rule 26 of CPC r/w. Section 151 to stay the execution proceedings till disposal of the delivery in O.S.No.713 of 2024.

2.The respondent filed suit in O.S.No.3375 of 2012 for recovery of sum of Rs.16,27,164/- including interest at 24% per annum on Rs.9,70,867/- from 04.06.2012, till the date of realisation and for costs. The suit was decreed *ex parte* on 12.10.2012. Pursuant to the judgment in O.S.No.3375 of 2012, the respondent filed EP.No.35 of 2023 for execution of decree in O.S.No.3375 of 2012. The petitioner instead of filing an application to set aside the *ex parte* decree, filed a suit in O.S.No.713 of 2024 to declare the judgment and decree passed in O.S.No.3375 of 2012, dated 12.12.2012 as null and void. The petitioner thereafter filed petition in E.A.No.1 of 2024 under Order 21 Rule 26 r/w. Section 151 CPC, to stay the execution proceedings in E.P.No.35 of 2023, till the disposal of the suit in O.S.No.713 of 2024. The said application was dismissed, challenging the same, the petitioner filed the present Civil Revision

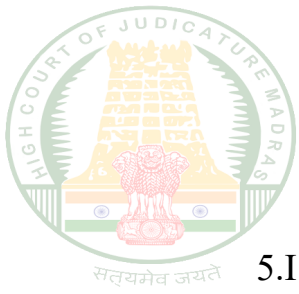


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3. When the matter was taken up for hearing, the learned counsel for the respondent submitted that the suit in O.S.No.713 of 2024 filed by the petitioner was dismissed as withdrawn on 30.01.2026. The learned counsel therefore submitted that since the E.A.No.1 of 2024 was filed to stay the proceedings till the disposal of the suit in O.S.No.713 of 2024, in view of the dismissal of the suit as withdrawn, nothing survives for further adjudication in the present Civil Revision Petition.

4. The learned counsel for the petitioner on the other hand submitted that the petitioner filed I.A.Nos.1 and 2 of 2025 in O.S.No.3375 of 2012, to condone the delay in seeking to set aside the *ex parte* decree and to set aside the *ex parte* decree dated 12.10.2012, in the suit. The learned counsel prayed that an order of interim stay may be granted till the aforesaid I.A's which are scheduled for hearing on 01.06.2026 are taken up, as otherwise the petitioner would be put to irreparable loss and hardship, if the execution proceedings are allowed to continue.

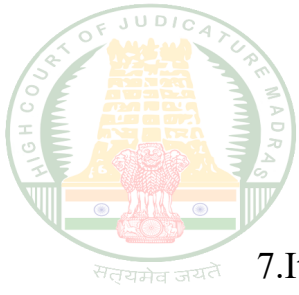


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on record.

5.I have heard both the learned counsels and perused the materials placed

6.It is seen that EA itself was filed to stay the execution proceedings till disposal of O.S.No.713 of 2024. Consequent upon dismissal of the said suit as not pressed, this Court is of the view that the CRP becomes infructuous. Hence, this Civil Revision Petition is dismissed as infructuous. However, the learned counsel for the petitioner seeks interim protection till 01.06.2026, since I.A.Nos.1 and 2 of 2025 filed by him in O.S.No.3375 of 2012 to condone the delay in seeking to set aside the *ex parte* decree and to set aside the *ex parte* decree will be taken up for hearing on that day. The learned counsel further submits that the petitioner is prepared to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to show bonafides. Under the facts and circumstances of the case, this Court in the interest of justice deems it appropriate to grant interim stay of the execution proceedings till 01.06.2026, on condition that the petitioner deposits a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the E.P.No.35 of 2023 on the file of the II Additional District Court, Poonamallee, Thiruvallur, within 10 days from the date of receipt of web copy of this order.



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7. It is clarified that in case, if the deposit is not made within the stipulated time, interim stay granted by this Court shall stand automatically vacated without any further reference to this Court and the Execution court shall proceed with the execution.

With the aforesaid direction, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

30-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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N.MALA J.

dsn

To

The II Additional District Judge, Poonamallee,
Thiruvallur.

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