



WEB COPY



CRP No. 3704 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 3704 of 2026
and CMP No.16095 of 2026**

1. Sakthi Maheshwari
W/o.S.Ravindran, No.2/134, Valparai Main
Road, Rangasamuthira, Pollachi Taluk

Petitioner(s)

Vs

1. Loganayaki
W/o.Dharmaraj, No.2/544, Valparai Main
Road, Rangasamuthiram, Pollachi

2.D.Kandakumar
S/o. Dharmaraj No. 2/544, Valparai Main
Road Rangasamuthiram Pollachi Taluk

Respondent(s)

Revision Petition filed under Section 115 of Civil Procedure Code against the order dated 11.03.2025 passed in E.A.No.3 of 2023 in E.P.No.58 of 2019 in O.S.No.176 of 2016 on the file of Sub Court, Pollachi.

For Petitioner(s): Mr. D.R.Arun Kumar

For Respondent(s): Mr.N.C.Ashok Kumar



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ORDER

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Heard Mr.D.R.Arun Kumar, learned counsel for the petitioner and Mr.N.C.Ashok Kumar, learned counsel for the respondent, who entered appearance even at the stage of condoning the delay in filing the revision petitioner.

2. Learned counsel for the revision petitioner would submit that the petitioner was never served with summons in the suit and in fact, the petitioner has already taken out an application in I.A.No.1 of 2021 which is pending and has not been taken up, all these five years and he would therefore state that an opportunity may be given to the petitioner to work out his remedy in accordance with law and in the meantime, the execution proceedings should not be proceeded with, especially when the auction purchaser is the son of the decree holder, according to the petitioner/judgment debtor.

3. Per contra, learned counsel for the respondent would firstly contend that though it is the primordial submission of the petitioner's counsel that the petitioner was served at incorrect address. Pointing out to the affidavit filed in support of the stay application in this civil revision petitioner, he would point out that the address given is only the Pollachi address which falsifies the very case of the petitioner and in any event, insofar as I.A.No.1 of 2021, the learned counsel submits that the said application was dismissed for non-prosecution and thereafter restored and therefore, there is no impediment for the executing Court to proceed with the execution petition and no error



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has been committed by the executing Court by passing the orders in E.A.Nos.3 and 4 of 2023.

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4. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. Admittedly, an application to set aside the exapрте decree in O.S.No.176 of 2016 is pending in I.A.No.1 of 2021. In the light of the above, the Sub Court, Pollachi is directed to dispose of I.A.No.1 of 2021 within a period of three weeks from the date of receipt of a copy of this order and subject to the result of the application in I.A.No.1 of 2021, it is open to the executing Court to proceed with the matter in accordance with law.

6. With the above direction, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Subordinate Court, Pollachi

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P.B.BALAJI,J

sr

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