



WEB COPY

CRP No. 61 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 61 of 2026
and
CMP No. 175 of 2026**

K.P.Dainy

..Petitioner(s)

Vs

1. M/s.Bombay Burmah Trading Corporation,
Represented by its General Manager,
Mudis Bazaar Post, Anaimalai,
Valparai Taluk,
Coimbatore District.
2. Shajahan
3. Dharmaraj
4. Arumugam Tailor
5. Mumthaj

..Respondent(s)

Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the Docket Order dated 03.11.2025 made in E.P.No.12 of 2014 in O.S.No.105 of 2001 on the file of the District Munsif cum Judicial Magistrate Court, Valparai and to pass such other further orders as this Court may deem fit and proper to the circumstances of the case and thus render justice.



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For Petitioner(s): For Mr.T.P.Prabakaran

For Respondent(s): Mr.Srinath Sridevan
Senior Counsel
For Mr.S.Rajmakesh

ORDER

Heard Mr.T.P.Prabakaran, learned counsel for the petitioner and Mr.Srinath Sridevan, learned Senior Counsel for Mr.S.Rajmakesh, learned counsel for the for 1st respondent.

2. Learned counsel appearing for the petitioner brought to my notice that the Executing Court has ordered delivery by a docket order. Learned counsel however fairly stated that the petitioner had suffered a decree before the Trial Court, which was also confirmed by the Appellate Court. A Second Appeal was subsequently numbered in 2017, and an interim stay was also granted by an order dated 08.12.2017. However, the interim order was not extended beyond 10.11.2018. The petitioner now seeks interim protection to bring up the second Appeal.

3. Per contrs, Mr.Srinath Sridevan, learned Senior Counsel appearing on behalf of the 1st respondent, objected to the request of the petitioner stating that First Appeal was disposed of as early as 2012, and the Second Appeal came to be filed only in the year 2017. Further, the interim stay remained in force only for 32 days and not more. Consequently, he would state that there are no bona fides in the request of the petitioner.



4. Considering that I had granted interim stay at the time of admission on 05.11.2025, which has remained in force and however the petitioner has not taken advantage of the interim protection already given by taking earnest steps to list the Second Appeal or at least to have the interim stay extended in the second appeal, I am not inclined to grant any further time.

5. However, the delivery shall be kept in abeyance until next hearing date of Execution Petition. Thereafter, it is open to the petitioner to take steps to recover possession of the property. In the meantime, it shall be open to the petitioner to move the Second Appeal and seek for interim protection.

6. With the above liberty, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18-02-2026

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

JENI

To

The District Munsif-cum-Judicial Magistrate Court, Valparai.



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P.B.BALAJI J.

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