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CRP No. 880 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 880 of 2026

and

CMP No.4771 of 2026

Mani

Petitioner(s)

Vs

Vijayan

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition by numbering the REA.SR.4193 of 2025 in REP.No.216 of 2024 returned on 04-12-2025 on the file of the Additional District Judge, Dharmapuri.

For Petitioner(s): Mr.M.Jaisingh

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is aggrieved by the repeated return of REA.Sr.No.4193 of 2025, and in and by this revision, the petitioner seeks to set aside the ex-parte



order along with the condone delay application.

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3. I find from the nature of the return that the Court has expressed a doubt as to how the application is maintainable beyond a period of 30 days. Though the petitioner has re-presented the same, stating that he did not receive notice in the execution petition and therefore, the application is within time. For the very same purpose, the Court has again returned, querying as to how the petition is maintainable.

4. This Court in the case of *Selvaraj and others vs. Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514*, has held that the Court shall not return an application for more than one occasion and, if it entertains any doubt with regard to maintainability, then the matter shall be heard in the open Court and the learned counsel for the aggrieved party should be given an audience and thereafter, the Court shall pass orders on merits. He also relied on the order of this Court in C.R.P.No.300 of 2026 dated 03.02.2026, wherein this Court taking note of the notification in Roc.No.81478-A/2025/f1 dated 11.09.2025 issued by this Court and the decision of this Court in the case of *Sundarammal and others Vs. Kanagaraj and another* in C.R.P.Nos.808 and 809 of 2025 dated 26.06.2025, held that the application beyond the period of 30 days is maintainable. However, in the present case, I



find that the petitioner has straight away approached this Court, without addressing the Executing Court on maintainability.

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5. I find that the Court has only returned the application and has not rejected the application.

6. In the light of the above, this Civil Revision Petition is allowed with the following directions.

(i) The Registry shall return the original REA.Sr.No.4193 of 2025 in REP.No.216 of 2024 to the learned counsel for the petitioner, within a period of one week from the date of receipt of a copy of this order being hosted in the High Court Website.

(ii) The petitioner shall re-present the said application before the Executing Court, within a period of two weeks thereafter.

(iii) On such representation, the Executing Court shall post the matter in open Court for hearing the arguments of the learned counsel for the petitioner. The petitioner is also at liberty to rely on the decision of this Court and also the notification issued by the Registry of this Court, in support of the contention that the application for condonation of delay is maintainable and thereafter, the



Executing Court shall pass orders on merits and in accordance with law, within a period of two weeks thereafter.

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(iv) No costs. Consequently, connected Miscellaneous Petition is closed.

24-02-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Learned Additional District Judge, Dharmapuri.



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P.B.BALAJI J.
jd

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