



WEB COPY



C.R.P.(MD)No.865 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.865 of 2026

Sahayadhas @ Sahayam ... Petitioner

vs.

Rajan Expedit ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Subordinate Court at Valliyoor, Tirunelveli District, to number I.A.SR.No.5417 of 2025 in E.P.No.45 of 2023 in O.S.No.332 of 2010 and to proceed in accordance with law.

For Petitioner : Mr.C.T.Perumal

ORDER

The Petitioner is the successful decree holder. Originally, a suit in O.S.No.332 of 2010 was dismissed by the I-Additional Subordinate Judge at Nagercoil. Aggrieved by the same, the plaintiff preferred an appeal to the file of the Principal District Judge, Kanyakumari District at Nagercoil in A.S.No.71 of 2012. The appeal was allowed in and by way of judgment and decree, dated 09.11.2018. To put the said decree into execution, he filed E.P.No.45 of 2023 on



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the file of Subordinate Court at Valliyoor, Tirunelveli Distrit. This was on account of the fact that the property, which he seeks to attach and realise the amount due, fall within the jurisdiction of that Court.

2. When the matter was posted on 12.09.2025, neither the decree holder nor his counsel appeared. Hence, the learned Subordinate Judge at Valliyoor dismissed the execution petition. Within a month, on 10.10.2025, the decree holder filed an application for restoration invoking Order XXI Rule 106 of the Code of Civil Procedure. The petitions were returned with certain endorsements. The petitioner represented the same. Yet again it was returned, finding a new defect in the petition, stating that petition under Order XXI Rule 54 had not been enclosed. It was also pointed out that an extra docket sheet had not been filed. Aggrieved by the repeated returns, the petitioner is before this Court.

3. Heard Mr.C.T.Perumal for the petitioner. I have gone through the records.

4. The decree holder is before this Court. He seeks to get his petition for execution restored onto the file. He has filed the said petition without any delay. He pleads that he was away at Coimbatore,



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attending to certain business and hence, was not in a position to represent before the Court. When a person is fortified with a decree, it is the duty of the Court to lean in favor of the decree holder rather than putting obstacles in the pathway of execution. Repeated return of the petition finding new grounds for return does not augur well to the path of execution.

5. Hence, there shall be a direction to the learned Subordinate Court at Valliyoor, Tirunelveli District, to number the I.A.SR.No.5417 of 2025 and pass orders on the same. The said exercise shall be completed within a period of 30 days from the date of receipt of a copy of this order.

6. In view of the above, this Civil Revision Petition is **disposed of**. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

30.03.2026

Note to the Registry the original of the return shall be handed over to the Counsel on record after retaining the copy thereof and upon making the usual endorsement.



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To:

The Subordinate Court at Valliyoor, Tirunelveli District.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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