



C.R.P.(MD)No.1362 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2026**

CORAM

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

C.R.P.(MD)No.1362 of 2026

and

C.M.P.(MD)No.6675 of 2026

J.Rajasekar

... Petitioner

vs.

J.Basheer Ahamed

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.04.2026 passed in E.P.No.31 of 2024 in O.S.No.601 of 2022 on the file of the learned Sub Court, Mudukulathur and allow the above Civil Revision Petition.

For Petitioner : Mr.B.Muthu Karthikeyan

For Respondent : Mr.A.Syed Abdul Kather

ORDER

Heard Mr.B.Muthu Karthikeyan for the Civil Revision Petitioner and Mr.A.Syed Adbul Kather for the Respondent.



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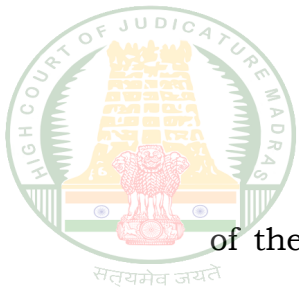
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2. The judgment debtor is the Civil Revision Petitioner and the decree holder is the respondent. For the sake of convenience, the parties shall be referred to as the decree holder and the judgment debtor.

3. The judgment debtor challenges the order passed by the learned Subordinate Judge, Mudukulathur, in E.P.No.31 of 2024 in O.S.No.601 of 2022, dated 27.04.2026, whereby the arrest of the judgment debtor was ordered.

4. The decree holder presented O.S.No.601 of 2022 on the file of the learned Principal Subordinate Judge at Tiruppur, seeking recovery of a sum of Rs.3,50,000/- together with interest. The suit was on the foot of a promissory note dated 25.10.2019.

5. Summons were served on the judgment debtor. The judgment debtor did not contest the same. Consequently, an ex parte decree came to be passed on 07.08.2023. In the meantime, in order to execute the decree, the decree holder presented E.P.No.31 of 2024. Prior to such presentation, he had transmitted the decree from the file



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of the Principal Subordinate Court, Tiruppur, to the file of the Sub-Court, Mudukulathur.

6. The learned Executing Judge at Mudukulathur, after granting several adjournments and calling upon the parties to settle the matter, found that no fruitful result had been arrived at. He, therefore, examined the decree holder as P.W.1. The decree holder deposed that the judgment debtor has sufficient means to satisfy the decree. This was not opposed by the judgment debtor. The Court was satisfied that, despite having the means to pay the decretal amount, the judgment debtor was unwilling to satisfy the decree. Consequently, by an order dated 27.04.2026, the Court ordered his arrest.

7. The judgment debtor moved this matter during the vacation. This Court granted him an interim stay of the order of arrest on the condition that the judgment debtor deposited 50% of the decretal amount, together with proportionate interest and costs.

8. It is represented by Mr.B.Muthu Karthikeyan that the order has been complied with.



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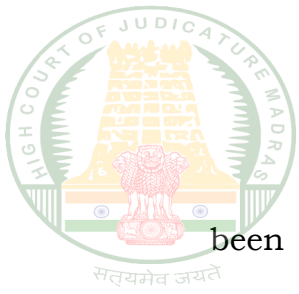
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9. Mr.A.Syed Abdul Kadar has entered appearance for the decree holder.

10. I have carefully considered the submissions of both sides. I have gone through the records.

11. It is the plea of Mr.B.Muthu Karthikeyan that an application had been filed to set aside the ex-parte decree and, therefore, the execution proceedings ought not to have been proceeded with. Unless and until the decree is kept in abeyance by an order of a superior or revisional court, the decree holder is entitled to proceed further and recover whatever is justifiably due to him. Mere pendency of an application under Order IX Rule 13 does not mean that the Executing Court has to defer its proceedings.

12. There is a decree which has the force of law. The judgment debtor, despite having been given an opportunity during the course of the proceedings in the suit as well as in the execution proceedings, has not opposed the same. He has nobody else to blame but himself. When the Executing Court, on the basis of the evidence recorded, has



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been satisfied that despite having the funds, the judgment debtor is evading payment and when those findings have not been challenged before me, I find no reason to interfere with the impugned order.

13. I should record that, during the course of the arguments, Mr.B.Muthu Karthikeyan represented that the judgment debtor was willing to pay a sum of Rs.4,00,000/- in full quit of the amount due under the decree. Mr.A.Syed Abdul Kather was not willing to accept the same.

14. In the light of the above discussions, the Civil Revision Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16.06.2026

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

To:

The Sub Court, Mudukulathur.



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V.LAKSHMINARAYANAN, J.

Nsr

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