



CRP(MD). Nos.3200 and 3201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/02/2026

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THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). Nos.3200 and 3201 of 2025 and
CMP(MD).No.17695 of 2025

Arumugam

... Petitioner
in both cases

Vs

1. Deivakani
2. Kanipriya
3. Banupriya
4. Naveenkumar
Muthukaruppan (Died).
5. Veerammal

... Respondents
in both CRPs

PRAYER :- Civil Revision Petitions filed under Section 115 of Civil Procedure Code, setting aside the impugned Fair order and executable order dated 18.08.2025 passed in EA Nos.1 and 2 of 2025 in EP No. 94/2023 in MCOP No.13/2008 pending on the file of the Learned Sub Court at Thirumangalam, Madurai District.

For Petitioner in both cases
For Respondents in both case

: Mr. M.Suresh,
:Ms.M. Mahalakshmi
for Mr.V. Kishorekumar

COMMON ORDER



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These Civil Revision Petitions have been filed challenging the fair and executable orders dated 18.08.2025 passed in E.A. Nos. 1 and 2 of 2025 in E.P. No. 94 of 2023 in M.C.O.P. No. 13 of 2008 on the file of the learned Subordinate Judge, Thirumangalam, Madurai District.

2. The revision petitioner filed applications to condone the delay of 172 days in filing a petition to set aside the ex parte order and also to set aside the ex parte order passed in the execution proceedings in E.P. No. 94 of 2023. The executing court, by the impugned orders, dismissed both applications.

3. The learned counsel appearing for the revision petitioner submitted that a fatal accident occurred on 27.06.2006, in which the husband of the first respondent died on the spot. The Motor Accident Claims Tribunal, by award dated 24.09.2023, directed the revision petitioner to pay a sum of Rs. 8,58,000/- as compensation to the respondents. Thereafter, the respondents initiated execution proceedings in E.P. No. 94 of 2023. In the said proceedings, the petitioner was set ex



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parte. Subsequently, the petitioner filed applications to condone the delay of 172 days and to set aside the ex parte order, which came to be dismissed. Challenging the same, the present Civil Revision Petitions have been filed.

4. The learned counsel appearing for the respondents contended that the Civil Revision Petitions filed by the petitioner itself are not maintainable, as delay in filing applications under Order XXI Rule 105(3) CPC cannot be condoned in view of the exemption provided under Section 5 of the Limitation Act. It is further contended that the executing court has no jurisdiction to condone such delay. In support of the said contention, reliance was placed on the judgment of this Court reported in **2025 (4) CTC 225 (Sundarammal vs. Kanagaraj)**.

5. This Court has considered the submissions made on either side and perused the materials available on record.

6. The legal position is well settled that the period prescribed for filing an application to set aside an ex parte order in execution



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proceedings is 30 days, and in view of the exemption under Section 5 of the Limitation Act, the delay beyond the statutory period cannot be condoned by the executing court.

7. In the present case, admittedly, there is a delay of 172 days in filing the application to set aside the ex parte order. In view of the settled legal position, the executing court rightly dismissed the applications filed by the petitioner.

8. Further, it is seen that the revision petitioner has not deposited any portion of the award amount. This Court, at the time of granting interim order, had directed the petitioner to deposit the award amount before the Tribunal. In such circumstances, the respondents/claimants are permitted to withdraw the amount, if any, lying to the credit of the Tribunal. In the light of the above, this Court does not find any merit in these Civil Revision Petitions.

9. Accordingly, these Civil Revision Petitions are dismissed. No



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costs. Consequently, the connected miscellaneous petition is closed.

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24.02.2026

Index : yes / no

Internet : yes / no

TO

The Sub Court at Thirumangalam, Madurai District

N. SENTHILKUMAR,J

trp

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