



WEB COPY

CRP No. 2236 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2236 of 2026

AND

CMP No. 9715 of 2026

V.R.Farhaullah
S/o. Rashith Ahmed
D.No. 85, Aamina Street
Pernambut Town
Vellore Dist. 635810.

..Petitioner(s)

Vs

P.Arumugam
S/o. Palani
D.No. 31, Pandian Street
T.V.K. Nagar
Pernambut Town
Vellore Dist. 635810.

..Respondent(s)

CMP No. 9715 of 2026

V.R.Farhaullah
S/o. Rashith Ahmed
D.No. 85, Aamina Street
Pernambut Town
Vellore Dist. 635810.

..Appellant(s)

Vs

P.Arumugam
S/o. Palani
D.No. 31, Pandian Street
T.V.K. Nagar
Pernambut Town
Vellore Dist. 635810.

..Respondent(s)

**CRP No. 2236 of 2026**

To fair and decreetal order dated 24.07.2025 made in IA.No.2 of 2024 in OS.No.106 of 2022 on the file of the I Addl. District and Sessions Court, Vellore is wrong and liable to be set aside.

CMP No. 9715 of 2026

To grant interim stay of all further proceedings pursuant to the order dated 28.08.2025 in EP.No.57/202 in OS.No.106 of 2022 on the file of the I Addl. District and Sessions Court, Vellore.

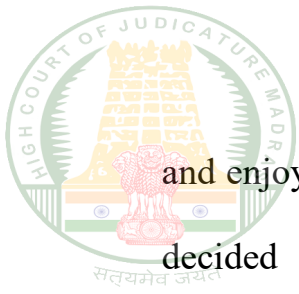
CRP No. 2236 of 2026

For Petitioner(s): Mr.S.Santhan

For Respondent(s):

ORDER

When the matter is taken up for hearing, the learned counsel for the petitioner would submit that while the petitioner was never served with any notice of the Trial proceedings, the Court notice was falsely endorsed by unknown person in collusion with the respondent. However, the respondent/plaintiff has obtained ex-parte decree who has filed the suit in O.S. No.106 of 2022 on the file of the I Additional District and Sessions Court, Vellore, seeking for specific performance, without serving notice to the petitioner/defendant in his proper address. After come to know the exparte order, the petitioner has filed IA No.2 of 2024 to condone the delay of 575 days in filing the restore petition. When the petitioner/defendant is in the possession



and enjoyment of the suit property, the Suit for specific performance cannot be decided on one side without giving sufficient opportunity to the defendant/petitioner herein to defence the case. Based on the ex-parte decree dated 29.11.2022 made in O.S. No.106 of 2022, the Plaintiff has initiated execution proceedings in E.P. No.57 of 2023 against the petitioner accordingly. Without considering the aforesaid facts, the Trial Court dismissed the condone delay application for not offering bonafide reasons.

2. Having considered the facts and circumstances of the case and submissions made by the learned counsel of the petitioner, there shall be an order of stay of the Execution proceeding in E.P. No.57 of 2023 till the next hearing.

3. Post the matter on 15.06.2026.

08-04-2026

Lbm

Note: Issue the order copy today (22.04.2026)

CRP No. 2236 of 2026 & CMP No. 9715 of 2026

To
P.Arumugam
S/o. Palani
D.No. 31, Pandian Street
T.V.K. Nagar
Pernambut Town, Vellore Dist. 635810.



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T.V.THAMILSELVI J.

Lbm

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