



CRP No. 3259 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-06-2026**

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**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 3259 of 2026**

**and**

**CMP.No.14174 of 2026**

1. Kanagaraju  
S/o. late. Ramasmyservai, D.No.16,  
Kulalar Street, Mohanur Village,  
Mohanur Taluk, Namakkal Dt.

Petitioner(s)

Vs

1. Visveswaran  
S/o. late. Malaikolundhu Muthaliyar ,  
D.No.20, Brindhavan 9th Cross, 2nd  
Floor, Pondicherry Town, Pondicherry.  
Malaikolundhu Muthaliyar (Died)  
Saraswathi (Died)

2.Rajalingam  
S/o. late. Malaikolundhu Muthaliyar,  
D.No.80G, Namakkal Road, Mohanur  
Town and Taluk, Namakkal Dt.

Respondent(s)

**PRAYER**

To set aside the Fair and Decretal order dt. 25.11.2025 passed in R.E.A. No. 2 of 2025 in R.E.P No. 5 of 2022 in OS No. 170 of 1995 on the file of Additional District Munsif Court, Namakkal Dist.

For Petitioner(s): MS..Chitra Maragatham

For Respondent(s):



## ORDER

**WEB COPY** Challenging the impugned order passed in R.E.A. No.2 of 2025 in R.E.P. No.5 of 2022 in O.S. No.170 of 1995 on the file of the Additional District Munsif Court, Namakkal, the 4th respondent has preferred the present Revision Petition.

2. The petitioner had filed an application under Order XXI Rule 106 of the Code of Civil Procedure seeking to set aside the ex parte order passed against him on 13.06.2024. However, the said application was dismissed by the Executing Court on the ground that Section 5 of the Limitation Act is not applicable to such applications arising out of execution proceedings. The Executing Court further observed that the earlier Madras High Court proviso enabling condonation of delay beyond 30 days stood impliedly repealed as being repugnant to the provisions of the Central Code of Civil Procedure. The learned counsel for the petitioner submitted that the Executing Court had erroneously appreciated the question of law involved in the matter. According to him, the petitioner had filed the application seeking condonation of delay from the date of knowledge of the ex parte order, but the same was not properly considered by the Court below. Hence, he prayed for setting aside the impugned order.

3. Admittedly, the execution proceedings in R.E.P. No.5 of 2022 in O.S. No.170 of 1995 on the file of the Additional District Munsif Court, Namakkal,



were initiated by the decree holder based on the ex parte decree passed in O.S. No.170 of 1995. Though the decree had been passed in the year 2011, no steps were taken for a considerable period thereafter. The petitioner contends that he has been residing in a portion of the suit property and that, due to lack of communication, he could not effectively follow the proceedings before the Court below. Aggrieved by the impugned order, he has filed the present Revision Petition.

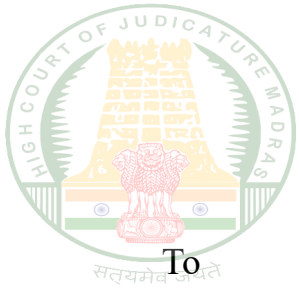
4. Issue notice to the respondent(s), returnable by 04.08.2026.

5. The petitioner is directed to serve notice on the counsel appearing for the respondents before the lower Court.

6. Post the case on 04.08.2026. Till then, all further proceedings in R.E.A. No.2 of 2025 in R.E.P. No.5 of 2022 in O.S. No.170 of 1995, pending on the file of the Additional District Munsif Court, Namakkal, shall remain stayed.

**15-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No  
rri



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To

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2. Rajalingam

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3. The Additional District Munsif,  
Namakkal.



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**T.V.THAMILSELVI J.**  
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