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C.R.P. No.3754 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM

THE HON'BLE MR. JUSTICE P.B. BALAJI

**C.R.P. No.3754 of 2026
and C.M.P. No.16275 of 2026**

A. Sathish

... Petitioner

-VS-

G. Arumugam

... Respondent

Prayer: This Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the order dated 07.04.2026 passed in E.P.No.1 of 2026 in E.P.No.86 of 2024 on the file of the District Munsif Court, Tambaram.

For Petitioner : M/s. J.D. Annal Amudhamozhi

For Respondent : Mr. R. Ramachandran

ORDER

This Civil Revision Petition is filed to set aside the order dated 07.04.2026 passed in E.P.No.1 of 2026 in E.P.No.86 of 2024 on the file of the District Munsif Court, Tambaram.



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2. Heard the learned counsels for the parties.

3. Admittedly, the parties herein are son and father, and the father has filed a suit for recovery of possession from the revision petitioner/ son. The suit was decreed based on which, an execution petition has been filed in E.P.No.86 of 2024, the petitioner herein was set ex-parte in the proceedings by an order dated 31.10.2025, and an application in E.A.No.1 of 2026 was filed under Order XXI Rule 106 R/w Section 151 of Civil Procedure Code, seeking to set aside the ex-parte order made in E.P.No.86 of 2024. The said E.A.No.11 of 2026 had been dismissed by the Execution Court finding that the application has not been filed within the period of 30 days.

4. After hearing the counsel and also going through the order, I do not find any infirmity in the order of the Executing Court dismissing the E.A.No.1 of 2026. However, it is brought to my notice by the learned counsel for the petitioner that the decree in the suit is now under challenge and a first appeal has been preferred under Section 96 of the Code of Civil Procedure.



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5. In the light of the above, while confirming the order in E.A.No.1 of 2026, I am directing the Execution Court to keep the EP in abeyance for a period of three weeks from the date of receipt of copy of this order, to enable the petitioner to workout his statutory remedy under the Civil Procedure Code and obtain any interim protection in the first appeal, which is stated to have been filed by the petitioner. In the event of the petitioner not being successful in obtaining any interim order before the First Appellate Court, the Executing Court shall proceed with the execution petition, after the said period of three weeks.

6. Accordingly, this Civil Revision Petition is dismissed with the above direction. Consequently, connected civil miscellaneous petition stands closed. There shall be no order as to costs.

04.08.2026

Index : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
stn



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P.B. BALAJI, J.,

stn

To

The District Munsif at Tambaram.

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and C.M.P. No.16275 of 2026**

04.08.2026