

C.R.P.(MD).No.1009 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.1009 of 2026

and

C.M.P.(MD).No.4630 of 2026

Gunaseela

... Petitioner/6th Respondent/legal heir
of defendant/judgment debtor

Vs.

1.KR.Veerappan

... 1st Respondent/Petitioner/
Petitioner/Decree Holder

2.Umapriya

3.Pornima Devi

4.Sangeetha Kalyani

5.Gayathiri

... Respondents 2 to 5/Respondents
2 to 5/Legal heirs of defendant/
Judgment Debtor

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 11.12.2025 passed in E.A.No.02 of 2022 in E.P.No.43 of 2012 in O.S.No.13 of 2011 on the file of the Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 : M/s.D.Deepamathi
for Mr.V.Meenakshi Sundaram

For R-2 to R-5 : No appearance



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ORDER

The judgment debtor is the civil revision petitioner.

2. Heard Mr.V.R.Shanmuganathan for the petitioner/judgment debtor and Ms.Deepamathi for Mr.Meenakshi Sundaram for the respondent/deGREE holder.

3. The revision challenges the order of restoration of the Execution Petition, which had been dismissed for default on 21.09.2021. Between the petitioner's husband and the first respondent, a suit for specific performance of a contract of sale had been presented. This was in O.S.No.13 of 2011. The suit was decreed on 21.12.2011. Pursuant thereto, the decree holder deposited the balance of sale consideration and intended to proceed with the execution. The Execution Petition in E.P.No.43 of 2012 had been languishing for nearly nine years. It was posted on 21.09.2021 for filing of a draft sale deed and non-judicial stamp papers. On that day, as there was no appearance for the decree holder, the Execution Petition had been dismissed for default. In order to restore the Execution Petition, the decree holder filed E.A.No.2 of 2022. By an order dated 11.12.2025, the application came to be allowed. Hence, this revision.

4. It is the plea of Mr.V.R.Shanmuganathan that the Execution Petition had been dismissed on 21.09.2021, but the restoration petition had



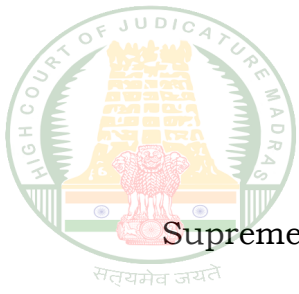
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been filed only on 17.02.2022. Inviting my attention to Order XXI Rule 106 of the Code of Civil Procedure, he pleaded that as there is a lapse of five months from the date of dismissal, a restoration petition ought not to have been entertained by the Executing Court.

5. Per contra, Ms.D.Deepamathi refers to the judgment of the Supreme Court in **Re: Cognizance for extension of limitation, 2022 SCC OnLine SC 27** and urges that on account of the Covid-19 pandemic, the Supreme Court, in exercise of the powers under Article 142 of the Constitution, had suspended the operation of the Limitation Act or any provision relating to limitation, from 15.03.2020 to 28.02.2022. She also points out that the Supreme Court had granted a further period of 90 days for the parties to file an application for restoration. She states that on 21.09.2021, there was no representation on behalf of the decree holder on account of the fact that the then counsel, Mr.Govindarajan had succumbed to Covid on 24.05.2021. Hence, she states that the order impugned is unimpeachable and seeks dismissal of the revision.

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

7. The dates set forth above shows that the dismissal of the Execution Petition was on 21.09.2021, which is within the interval granted by the



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Supreme Court in the aforesaid judgment. As rightly contended by Ms.D.Deepamathi, the operation of Limitation Act stood suspended from 15.03.2020 to 28.02.2022. The restoration petition in this case had been filed on 17.02.2022, much before the window granted by the Supreme Court had expired. The reason as to why there was no representation for the decree holder is also convincing. The decree holder was represented by a counsel and the counsel also seems to have passed away on 24.05.2021. Hence, there was no representation on behalf of the decree holder, when the matter was called on 21.09.2021. The reasons being convincing and since the learned Subordinate Judge, Devakottai has exercised his discretion to restore the Execution Petition, I do not find any error in the impugned order.

8. In the light of the above discussion, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The Sub Court,
Devakottai,
Sivagangai District.

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V.LAKSHMINARAYANAN,J.

Lm

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