



CRP(MD). No.2680 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.02.2026

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THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.2680 of 2024

and

CMP(MD)Nos.15315 and 17217 of 2024

J.Thiraviamary,

... Petitioner

Vs.

D.Gracy,

... Respondent

PRAYER :- Civil Revision Petition filed under section 115 of Civil Procedure Code, to call for the records relating to petition and docket order passed in EA.No. 2/2024 in EP. No. 291/2018 in OS.No. 236/2017, dated 12.02.2024 on the file of I Additional Subordinate Judge, Trichy and to set aside the same and allow the above CRP.

For Petitioner : Mr. A. Joseph Jerry,

For Respondent : Mrs.M.Rajeswari,



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ORDER

This Civil Revision Petition is filed challenging the docket order passed in EA.No. 2 of 2024 in EP. No. 291 of 2018 in OS.No. 236 of 2017, dated 12.02.2024 on the file of I Additional Subordinate Judge, Trichy.

2. The learned counsel for the revision petitioner would submit that the suit in O.S. No. 236 of 2017 was originally filed for recovery of money. The said suit was decreed exparte in favour of the plaintiff on 21.06.2018. Pursuant to the said judgment and decree, execution proceedings were initiated in E.P. No. 291 of 2018 for attachment of the property. Since the decree was passed exparte, the revision petitioner filed petitions to set aside the exparte decree along with a petition to condone the delay in filing the same in E.A. Nos. 1 and 2 of 2024 in O.S. No. 236 of 2017. The revision petitioner has a right to contest the execution proceedings. Hence, she filed a stay petition in E.A. No. 1 of 2024 in E.P. No. 291 of 2018 under Order XXI Rule 26 read with Section 151 CPC, seeking stay of further proceedings in the execution petition.

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3. The learned counsel for the revision petitioner would submit that pendency of exparte set aside petition and stay E.A petition dismissed as a petition docket order stating that this E.A petition is filed after 5 years. When the petition filed dated 12.08.2024 without hearing, the petition has dismissed on the same day. Challenging the same, the revision petitioner has filed the present Revision.

4. The learned counsel for the respondent would submit that the E.A is filed for condonation of delay. The petitioner ought to have explained each and every day. Here, the petitioner has filed an application after five years of E.P proceedings. The reasons given by the petitioner before the trial Court is not acceptable. Hence, there is no interference warranted with the order passed by the trial Court.

5. The entire matter hinges upon whether the reasons assigned by the revision petitioner are sufficient to set aside the exparte decree passed against the revision petitioner. In the absence of any cogent explanation, the petition for condonation of delay was dismissed. There is no infirmity



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in the order passed by the Court below in E.A.No.2 of 2024 in E.P.No. 291 of 2018 in O.S.No.236 of 2017, dated 12.08.2024.

6. Hence, this Civil Revision Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

17.02.2026

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TO

1. The I Additional Subordinate Judge,
Trichy.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N. SENTHILKUMAR,J

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