

C.R.P(MD)No.1765 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1765 of 2026

and

C.M.P(MD)No.8508 of 2026

P.Ganapathy

.. Petitioner

Vs.

P.Maragatham

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the Fair and Decreetal order dated 14.10.2025 passed in I.A.No.1 of 2024 in A.S.No.127 of 2024 on the file of the Additional District and Sessions Judge (Fast Track Court) Kanniyakumari at Nagercoil and to set aside the same.

For Petitioner : Mr.V.Pavel

ORDER

The Civil Revision Petition is filed challenging the order passed by the first appellate Court dismissing the application filed by the petitioner seeking stay of further proceedings in the original suit.

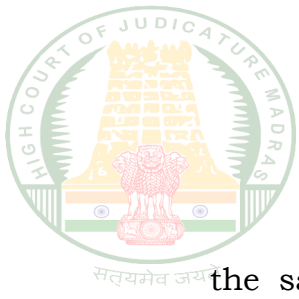


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2. The respondent herein filed a suit for partition and obtained a preliminary decree. Aggrieved by the same, the petitioner has preferred A.S.No.127 of 2024 before the first appellate Court. Pending the appeal, the petitioner filed an application seeking stay of further proceedings in the original suit. The said application was dismissed by the impugned order. Aggrieved thereby, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner submitted that if the respondent is permitted to proceed further in the suit pending disposal of the appeal, it would cause serious prejudice to the petitioner. Therefore, according to the learned counsel, the first appellate Court ought to have granted an order of stay of further proceedings in the original suit.

4. A perusal of the impugned order shows that the respondent has not filed any application for passing of a final decree. Likewise, no execution petition has been filed. When the main appeal has been preferred challenging the preliminary decree, and in the absence of a final decree, the respondent cannot initiate execution proceedings. Admittedly, till date, the respondent has not filed any application seeking passing of a final decree. In such circumstances, recording



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the said facts, the first appellate Court rightly dismissed the stay petition. I do not find any illegality or infirmity in the order passed by the first appellate Court warranting interference by this Court.

5. Accordingly, the Civil Revision Petition stands dismissed. However, it is made clear that, if the respondent initiates any further proceedings in the suit by filing a final decree application, it is always open to the petitioner to file a fresh stay petition before the first appellate Court and seek appropriate interim relief in accordance with law.

6. It is submitted by the learned counsel for the respondent that the main appeal is posted for hearing on 11.08.2026. Therefore, both parties are directed to advance their arguments in the appeal and the first appellate Court is directed to dispose of the appeal as expeditiously as possible, in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

08.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To

- 1.The Additional District and Sessions Judge
(Fast Track Court) Kanniyakumari at Nagercoil.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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