



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.08.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **M.DURAISWAMY**

Review Application(MD).No.116 of 2015

D.Kasupandian

. . . Petitioner/Petitioner
/Appellant/Defendant

versus

K.P.Subramanian

...Respondent/ Respondent/
Respondent/Plaintiff

Prayer: Review Application is filed under Order XLVII Rule (1) of CPC to review the order passed in M.P.(MD).No.1 of 2015 in A.S.(MD).No.106 of 2015 on the file of this Court dated 24.07.2015 and grant an order of interim stay by staying all further proceedings in O.S.No.31 of 2011 on the file of the 1st Additional District Court, Thanjavur, dated 09.01.2015.

Prayer in AS(MD). 106/ 2015 :

To set aside the decree and judgment passed in OS NO. 31 of 2011 on the file of the 1st Additional District Court, Thanjavur and to allow this appeal

For Petitioner

:Mr.R.Karunanidhi

For respondent

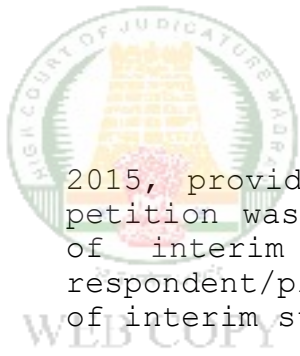
:Mr.P.Vadivel

ORDER

The petitioner has filed the above review application to review the order passed in M.P.(MD).No.1 of 2015 in A.S.(MD).No.106 of 2015, dated 24.07.2015.

2. It is the case of the review applicant that the respondent has filed a suit in O.S.No.31 of 2011 on the file of the I Additional District Judge, (PCR), Thanjavur, for specific performance. The Trial Court had decreed the suit, by its judgment and decree dated 09.01.2015. Aggrieved over the judgment and decree passed in O.S.No.31 of 2011, the defendant has filed the appeal in A.S.No.106 of 2015 along with the appeal, the defendant has also filed a petition in M.P.(MD).No.1 of 2015 to stay the operation of the judgment and decree passed in O.S.No.31 of 2011.

3. When the matter came up for hearing before this Court on 24.07.2015, according to the petitioner/defendant, this Court granted an order of interim stay. It is also brought to the notice of this Court that the learned counsel appearing for the respondent was also present in the Court on that day. However, when the learned counsel applied for the certified copy of the order passed in M.P.(MD).No.1 of 2015 in A.S.(MD).No.106 of 2015, it was mentioned in the copy of the order that M.P.(MD).No.1 of 2015 was dismissed. The learned counsel appearing for the petitioner submitted that in the certified copy of the order in M.P.(MD).No.1 of



2015, provided by the Registry, it has been wrongly mentioned as if the petition was dismissed on 24.07.2015, whereas this Court granted an order of interim stay. Mr.P.Vadivel, learned counsel appearing for the respondent/plaintiff fairly submitted that this Court had granted an order of interim stay on 24.07.2015.

4. Having regard to the submissions of the learned Counsel on either side, I am of the view that the Registry had wrongly mentioned as if the petition was dismissed on 24.07.2015. In these circumstances, the order furnished to the parties in M.P.(MD).No.1 of 2015 in A.S.(MD).No.106 of 2015 is re-called. It is made clear that there shall be an order of interim stay in M.P.(MD).No.1 of 2015 in A.S.(MD).No.106 of 2015. Registry is directed to issue a fresh copy of the order to both parties. Review Application is disposed of as stated above.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
I Additional District Judge (PCR),
Thanjavur.

2. D.Kasupandian, S/o. Duraisamy,
3/444, Kamatchiyamman Nagar 1st Streer,
Mariyamman kovil Village, Thanjavur District.

3. K.P.Subramanian S/o. Perumal,
No.30/47, Dabeer Kulam Road,
East Gate, Thanjavur Town, Thanjavur District

Copy TO

1. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai

2. The Section officer, VR, Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. R.KARUNANDIDHI, Advocate in SR.No 44700

TS/07.08.2015/2P - 7C KBM/SAR -II

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