



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD).Nos.298 to 301 of 2015

and

M.P. (MD).Nos.1,1,1 and 1 of 2015

WEB COPY

1.Selvan ... Revision Petitioner in C.R.P.Nos.298 to 300 of 2015
2.Balan ... Revision Petitioner in C.R.P.No.301 of 2015

vs.

1.Thiruchendur 14 Oor Senkuntha
Mudhaliar Uravinmurai
Abiviruthi Sangam,
Through its President Balakrishnan
S/o.Ponnusamy Mudaliar
No.8, Adam Street,
Mylapore, Chennai-600 004.

2.Thiruchendur 14 Oor Senkuntha
Mudhaliar Uravinmurai
Abiviruthi Sangam,
through its Secretary Iyyanar.
S/o.Mahalingam Mudaliar,
Kumaran Street,
Aruppukkottai-626 101
Virudhunagar District.

3.Thiruchendur 14 Oor Senkuntha
Mudhaliar Uravinmurai
Abiviruthi Sangam,
through its Treasurer Mariappan
S/o.Pitchaimuthu Mudaliar,
No.12, Pandurangan Street,
Tuticorin-628 002.

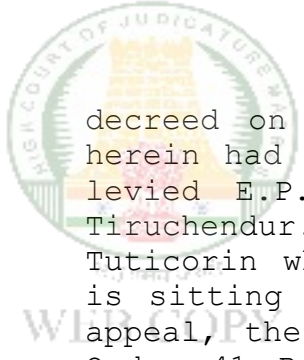
... Respondents in all C.R.Ps

COMMON PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India, to dispose of the application in I.A.Nos.360, 362, 364 and 366 of 2014 in A.S.Nos.26, 27, 28 and 29 of 2014 on the file of the Subordinate Judge, Tuticorin within a time frame as may be fixed by this Court by allowing there civil revision petition and to grant such other relief or reliefs that this Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.S.Subbiah

COMMON ORDER

The petitioner is the defendant in the suit. The suit in O.S.Nos.178, 179 and 180 of 2010 were filed on the file of the District Munsif Court, Tiruchendur for recovery of possession directing the defendant to deliver the possession of the suit property. The suit was



decreed on 30.09.2013. Aggrieved by the same, the defendant/petitioner herein had filed an appeal in A.S.No.26 of 2014. The decree holder also levied E.P.o.18 of 2014 on the file of the District Munsif Court, Tiruchendur. The appeal has been preferred on the file of the Sub Court, Tuticorin wherein there is no Presiding Officer and the in-charge Judge is sitting only once in a week (i.e., on every Friday). Along with the appeal, the petitioner also had filed I.A.No.360 of 2014 for stay under Order 41 Rule 5(1) of C.P.C. Notice was given to the other side and counter was also filed as early as on 28.11.2014 and the arguments were also heard on several dates from November 2014 and till the end of January 2015. Though on 15.12.2014, 22.12.2014, 20.01.2015 and 30.01.2015 the case was posted for orders, there was no sitting by the in-charge Judge and it was reposted. However, on 30.01.2015 the matter was called, it has been adjourned to 22.04.2015 for clarification.

2.The learned counsel for the petitioner represents that the E.P is being proceeded with in the absence of any order of stay and he is unable to obtain an order of stay before the regular Court, as there is no regular presiding officer. Hence, left with no other alternative, the petitioner has moved this Court for stay of the execution of decree proceedings in O.S.Nos.178, 179 and 180 of 2010. Therefore, this Court is inclined to grant stay of execution of the decree in O.S.Nos.178, 179, 180 and 181 of 2010 on the file of the District Munsif Court, Tiruchendur, till the orders are passed in I.A.Nos.360, 362, 364 and 366 of 2014 in A.S.Nos.26, 27, 28 and 29 of 2014 on the file of the Subordinate Judge, Tuticorin.

3.The petitioner is directed to move the appellate Court and obtain an order of stay at the earliest.

With the above direction, the civil revision petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

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To

1.The Subordinate Judge, Tuticorin.

2. The District Munsif, Tiruchendur.

+2 cc to Mr. S.Subbiah, Advocate in Sr NO.7375

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