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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.03.2015

CORAM:
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
C.R.P. (MD) .No.667 of 2015 (PD)
and
M.P. (MD) .No.1 of 2015

Annamalai

... Revision Petitioner

vs.

1.Mariyammal
Mathurappan (Died)
Nachiyar (Died)
2.Anandavalli
3.Maragadam
4.Panchavarnam
5.kanagarathinam
6.Ramalakshmi
7.Manickam @ Muthusamy
8.Vijayalakshmi

... Respondents

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this C.R.P by setting aside the docket order made in unnumbered I.A.No. .. of 2015 in I.A.No.91 of 2010 in I.A.No.627 of 2008 in O.S.No.108 of 2005 dated 13.03.2015 on the file of the District Munsif Court, Aruppukottai with a direction to number the same and proceed in accordance with law.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.S.Natarajan

O R D E R

The first defendant in O.S.No.108 of 2005 has filed the unnumbered I.A.No... of 2015 under Order 21 Rule 29 of C.P.C., seeking to stay of E.P.No.8 of 2010 till the disposal of I.A.No.91 of 2010.

2.An application in I.A.No.91 of 2010 was filed by the petitioner herein to condone the delay of 74 days in setting aside the ex-parte order in I.A.No.627 of 2008, which is an application for passing of final decree. The said stay application was dismissed by the District Munsif Court, Aruppukottai, as it is not maintainable. Aggrieved by the same, the above revision is filed.

3.When the setting aside application itself is not taken on file and it is only at the condonation of delay stage, stay cannot be granted as the same would be non est in law. Therefore, the District Munsif Court, is correct in not entertaining the said application and no interference is warranted to disturb the order. However, the District Munsif Court, Aruppukottai is directed to dispose of the I.A.No.91 of 2010 which is filed for condonation of delay of 74 days on merits and in accordance with law, on or before 30th April 2015.



With the above observation, the civil revision petition is dismissed.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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sub Assistant Registrar

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To

The District Munsif, Aruppukottai.

+1cc to Mr. M. Thirunavukkarasu, Advocate in Sr NO. 15913

+1cc to Mr. S. Natarajan, Advocate in sr No. 15868

C.R.P. (MD) .No. 667 of 2015 (PD)

and

M.P. (MD) .No. 1 of 2015

31.03.2015

rg.10.04.2015

2p/4c