

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1787 of 2016
and C.M.P.No.9397 of 2016

M.Murugesan

... Petitioner

Vs.

K.Kolandan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 29.03.2016 in I.A.No.22 of 2016 in A.S.No.16 of 2016 on the file of the Principal District Court, Namakkal.

For Petitioner : Mr.D.Shivakumaran

ORDER

Challenging the fair and final order passed in I.A.No.22 of 2016 in A.S.No.16 of 2016 on the file of the Principal District Court, Namakkal, the defendant has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.18 of 2007 on the file of the Sub Court, Namakkal for recovery of money.

3.After contest, the trial Court, decreed the suit. Aggrieved over the same, the defendant preferred an Appeal in A.S.No.16 of 2016. In the appeal, the defendant took out an application in I.A.No.22 of 2016 under Order 41 Rule 5 (1) of the Civil Procedure Code to stay the operation of the decree passed in O.S.No.18 of 2007. The Lower Appellate Court dismissed the application stating that both the parties are ready to argue the appeal itself.

4.Mr.D.Shivakumaran, learned counsel appearing for the petitioner submitted that so far the plaintiff has not filed any Execution Petition to execute the decree passed in O.S.No.18 of 2007.

5.Since it has been recorded by the Lower Appellate Court that both the parties are ready to get along with the appeal, I direct the Principal District Judge, Namakkal to dispose of the appeal in A.S.No.16 of 2016, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and there shall be an order of stay of the decree dated 04.01.2016 passed in O.S.No.18 of 2007 till the disposal of the appeal.

6. With these observations, the Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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21.06.2016

To

The Principal District Court,
Namakkal.

M.DURAIWAMY,J.
va

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