

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3213 of 2016 and
CMP No.16298 of 2016

Selvaraj

...Petitioner

versus

Singaravelu

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order in I.A.No.215 of 2016 in O.S.No.215 of 2009 on the file of Principal District Munsif Court at Cheyyar, Dated 15.04.2016.

For Petitioner : Mr.C.Venkatesan

For Respondent : Mr.Singaravelu
Party-in-Person

ORDER

This Civil Revision Petition is directed against the order dated 15 April 2016 in I.A.No.215 of 2016, whereby and where under, the learned Principal District Munsif, Cheyyar, declined the request to stay the suit in O.S.No.215 of 2009 till the disposal of the second appeal in S.A.No.743 of 2015 pending on the file of this Court.

2. Heard the learned counsel for the petitioner and the respondent, who appeared as party in person.

3. The petitioner initially filed a suit for declaration in O.S.No.215 of 2009. The suit was partly decreed. The matter was taken up before the First Appellate Court in A.S.No.5 of 2014. The appeal was allowed by the First Appellate Court. The matter is now pending before this Court in S.A.No.743 of 2015 at the instance of the petitioner.

4. The suit in O.S.No.215 of 2009 was filed by the petitioner for partition. The petitioner wanted stay of the said suit under Section 10 of the Code of Civil Procedure till the disposal of the second appeal in S.A.No.743 of 2015.

5. There is no question of staying the suit for partition on account of the pendency of the second appeal in S.A.No.743 of 2015. Nothing prevented the petitioner from approaching this Court to stay the operation of the judgment and decree in A.S.No.5 of 2014 on the file of the Principal District Court, Tiruvannamalai. The learned Judge was therefore, perfectly correct in dismissing the application under Section 10 of the Code of Civil Procedure. I do not find any error or illegality in

the order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

6. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2016

Index : Yes/No
svki

To

The Principal District Munsif Court,
Cheyyar.

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.3213 of 2016

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