



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.06.2016

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1000 of 2016

and

C.M.P. (MD) No.4968 of 2016

The Executive Authority,
President,
Inam Samayapuram Panchayat,
Samayapuram Post,
Mannachanallur Taluk,
Tiruchirappalli

.. Petitioner/Petitioner/
Judgment Debtor

vs.

A.Abdul Hameed

.. Respondent/Respondent/
Decree Holder

Prayer: Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order passed in E.A.No.18 of 2016 in E.P.No.1 of 2016 in O.S.No.338 of 2012 on the file of the Principal District Munsif Court, Lalgudi, dated 14.03.2016.

For Petitioner	: Mr.M.P.Senthil
For Respondent	: Mr.P.Thiyagarajan

ORDER

This Civil Revision Petition arises out of the order passed by the learned Principal District Munsif, Lalgudi in E.A.No.18 of 2016 in E.P.No.1 of 2016 in O.S.No.338 of 2012.

2. The petitioner is the sole defendant in O.S.No.338 of 2012 on the file of the learned Principal District Munsif, Lalgudi. The suit was filed by the respondent for declaration and injunction. The suit was decreed ex-parte on 13.11.2014. Based on the decree, the respondent filed an Execution Petition under Order 21 Rule 32 of Civil Procedure Code.

3. Subsequently, the petitioner filed an application in I.A.No.54 of 2016 in the suit to condone the delay of 394 days in filing the application to set aside the ex-parte decree. The



petitioner also filed an application in E.A.No.18 of 2016, seeking stay of execution proceedings on the ground that he had taken steps to set aside the ex-parte decree. The Executing Court dismissed the application. Aggrieved over the order, the present revision is filed.

4. Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.P.Thiyagarajan, learned counsel appearing for the respondent.

5. The learned counsel appearing for the respondent/plaintiff would submit that despite the interim injunction granted in the suit, the petitioner, who was the sole defendant, proceeded with the construction of the building and therefore, he is not entitled for any indulgence of this Court.

6. The Executing Court, seeing the conduct of the petitioner, was not inclined to grant stay. Hence, I do not find any illegality or irregularity in the order passed by the Executing Court and hence, this Civil Revision Petition is dismissed. However, the learned Principal District Munsif, Lalgudi shall dispose of the application in I.A.No.54 of 2016 in O.S.No.338 of 2012 on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Lalgudi.

+1cc to Mr.M.P.SENTHIL, Advocate Sr.No.27710

+1cc to Ms.K.KRISHNAVENI, Advocate Sr.No.27837

PMU/PS

AA/DB/13.06.2016/2p-4c

C.R.P (MD) No.1000 of 2016
and
C.M.P (MD) No.4968 of 2016
03.06.2016