



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CIVIL REVISION PETITION (MD) (PD) No.2040 of 2016

and

CIVIL MISCELLANEOUS PETITION (MD) No.9594 of 2016

Elraj

..Petitioner/2nd Respondent/2nd Defendant

vs

1.Madasamy

2.Balakrishnan

Alagammal (Died)

3.Murugan

4.Perumal

..Respondents/Petitioners/Palintiffs

..Respondents/Respondents 1,3 & 4/
Defendants 1,3 & 4

The Civil Revision Petition filed under Article 227 of the Constitution of India to reject the Execution Proceedings in E.P.No.222 of 2005 in O.S.No.34 of 2002 on the file of the learned Principal District Munsif, Thoothukudi till the disposal of the Appeal Suit No.147 of 2011 on the file of the learned Subordinate Judge, Thoothukudi.

For Petitioner

...Mr.N.Dilip Kumar

O R D E R

The Civil Revision Petition has been filed to reject the Execution Proceedings in E.P.No.222 of 2005 in O.S.No.34 of 2002, on the file of the learned Principal District Munsif, Thoothukudi till the disposal of the Appeal Suit No.147 of 2011, on the file of the learned Subordinate Judge, Thoothukudi.

2.The learned counsel for the petitioner submitted that the respondent filed an Execution Petition in E.P.No.222 of 2005 and the petitioner filed an appeal in A.S.No.147 of 2011 challenging the judgment and decree, dated 10.01.2005 in O.S.No.34 of 2002. Hence, the petitioner filed the present civil revision petition with a prayer to keep in abeyance the E.P.No.222 of 2005 till the disposal of A.S.No.147 of 2011 on the file of the learned Subordinate Judge, Thoothukudi.

3.Considering the submission made by the learned counsel for the petitioner, the prayer in the Civil Revision Petition cannot be entertained. The petitioner is directed to workout his remedy before the appellate forum.



4.Hence, the civil revision petition is dismissed with liberty to the petitioner to approach the appropriate court for the necessary relief. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Subordinate Judge, Thoothukudi.

2.The Principal District Munsif, Thoothukudi.

3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.N.Dilipkumar, Advocate in SR.73456

C.R.P. (MD) No.2040 of 2016

Date: 25.11.2016

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PBK/EM-MPA 05/01/2017 ::2P-5C: