



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. NPD (MD) No.2132 and 2133 of 2016
and
C.M.P.(MD) No.9999 of 2016

1.M.Perumal

2.P.Sumalatha @ Uma Maheswari : Petitioners in both petitions

Vs.

K.Chowdri Kesavan

: Respondent in both petitions

Prayer: Civil Revision petitions are filed under Section 115 of C.P.C., to call for the records relating to the fair and decretal orders dated 16.09.2016 made in E.A.Nos.46 and 48 of 2015 in E.P.No.2 of 2015 on the file of the Additional District and Sessions Judge, Theni at Periyakulam in O.S.No.29 of 2012 on the file of the Additional District cum Sessions Judge, Theni at Periyakulam and set aside the same.

For Petitioners : Mr.V.Janakiramulu

For Respondent : Mr.V.Sitharanhandas for
Caveator

ORDER

The civil revisions petitions have been filed by the petitioner against the fair and decretal orders dated 16.09.2016 made in E.A.Nos.46 and 48 of 2015 in E.P.No.2 of 2015 on the file of the Additional District and Sessions Judge, Theni at Periyakulam in O.S.No.29 of 2012 on the file of the Additional District cum Sessions Judge, Theni at Periyakulam.

2.The learned counsel for the petitioners would submit that he has already filed an appeal in A.S.SR No.55903 of 2016 before this Court along with stay application in C.M.P.No.2661 of 2016. The aforesaid appeal is likely to be taken up within a period of two weeks. Therefore, he would submit that if delivery of possession is ordered by the executing Court, the petitioners will be put into irreparable loss and hardship and hence, he prayed for stay.



3.Per contra, the learned counsel for the respondent has strongly objected that the petitioners are nor entitled to any relief in the present civil revision petitions. The petitioners are trying to drag on the proceedings without exhausting the appeal remedy. He has further submitted that the executing Court has ordered delivery of possession only by 30.11.2016. Hence, the petitioner can very well approach the appropriate forum to obtain the benefit of interim order and hence, he seeks dismissal of the revisions petitions.

4.Heard the learned counsel for the petitioners and well as the learned counsel for the respondent and perused the materials available on record.

5.In view of the submissions made on either side, the orders dated 16.09.2016 made in E.A.Nos.46 and 48 of 2015 in E.P.No.2 of 2015 on the file of the Additional District and Sessions Judge, Theni at Periyakulam in O.S.No.29 of 2012 on the file of the Additional District cum Sessions Judge, Theni at Periyakulam are kept in abeyance for a period of two weeks from the date of receipt of a copy of this order. Thereafter, if no interim order has been obtained by the petitioners, the executing Court is directed to proceed with the matter.

6.With the above observations, the civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(T & P)

/TRUE COPY/

Sub Assistant Registrar

To

The Additional District and Sessions Judge, Theni at Periyakulam.

+1cc to M/S.V.Sitharanjandas, Advocate in SR.No.62485.

+1cc to M/S.V.Janakiramulu, Advocate in SR.No.62482.

Order made in
C.R.P. NPD (MD) No.2132 and 2133 of 2016
and C.M.P.(MD) No.9999 of 2016
21.10.2016

Arul
msm/ck/Sar-3/21.10.16/p2/4c