



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM

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THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (MD) No. 2304 of 2016
and
C.M.P. (MD) No. 10616 of 2016

1. N. Sornarajan
2. Mary Maragatham

... Revision Petitioners/
Respondents/Defendants

Vs.

M. Chellapandi

... Respondent/Petitioner/
Plaintiff

Prayer: Petition filed under Section 115 of C.P.C., to set aside the order dated 22.10.2016, made in E.P.No.15 of 2016 in O.S.No.20 of 2007 on the file of the Subordinate Court, Ambasamudram.

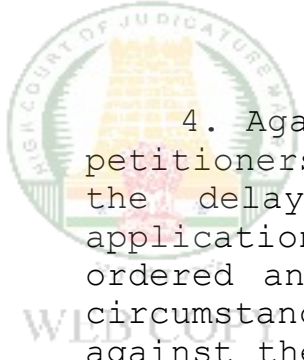
For Petitioners : Mr. R. Ramadurai

ORDER

This Civil Revision petition arises out of the order passed by the learned Subordinate Judge, Ambasamudram, in E.P.No.15 of 2016 in O.S.No.20 of 2007, dated 22.10.2016.

2. Heard the learned counsel appearing for the petitioners.

3. According to the petitioners, the respondent herein filed an application in E.P.No.15 of 2016 before the Court below, under Order 21 Rule 34 of C.P.C., to execute the sale deed in terms of the decree passed by the Court below, dated 08.12.2015. Against the Judgment and Decree passed by the Court below in O.S.No.20 of 2007, the petitioners had preferred an appeal along with I.A.No.198 of 2016 to condone the delay in filing the appeal before the Court below and the same is pending. In the meantime, the Court below has passed an order dated 22.10.2016, allowing the Execution petition in E.P.No.15 of 2016 in O.S.No.20 of 2007. Against the said order, the petitioners have filed the present Revision petition before this Court.



4. Against the Judgment and Decree in the aforesaid suit, the petitioners had filed an appeal along with a petition to condone the delay in filing the appeal. The said interlocutory application was numbered as I.A.No.198 of 2016 and notice has been ordered and the same is pending before the Court below. In such circumstances, the petitioners have filed the present Revision against the order passed by the Court below in Execution petition. Hence, the present Civil Revision petition cannot be entertained.

5. Hence, this Civil Revision petition is dismissed. However, this Court direct the learned Subordinate Judge, Ambasamudram, to consider the application in I.A.No.198 of 2016 as expeditiously as possible. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Subordinate Judge, Ambasamudram.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.R.Ramadurai, Advocate, in SR No.67629

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AAM RR BS 30.01.2017 2P 4C

C.R.P. (MD) No.2304 of 2016
and
C.M.P. (MD) No.10616 of 2016
10.11.2016