



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD).No.2579 of 2016 and

CMP(MD).No.12163 of 2016

WEB COPY

Kasi

: Petitioner

Vs.

1.Indira

2.Neelamegam

: Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.292 of 2015 in O.S.No.28 of 2009 on the file of the learned District Munsif, Aranthangi.

For Petitioner

: Mr. K. Baalasundaram

O R D E R

This Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.292 of 2015 in O.S.No.28 of 2009 on the file of the learned District Munsif, Aranthangi.

2. The petitioner is the plaintiff and the respondents are the defendants in the suit in O.S.No.28 of 2009 on the file of the learned District Munsif, Aranthangi.

3. The respondents filed written statement. Both parties let is evidence and evidence was concluded. At this stage, the petitioner filed three applications in I.A.Nos.519, 520 and 521 of 2014 to reopen the case, to recall the petitioner and to receive the documents respectively. All the three applications were dismissed on 31.07.2014. Against the said order of dismissal, the petitioner filed three Civil Revision Petitions in CRP(MD).Nos.2160 to 2162 of 2014 and all the three Civil Revision Petitions are dismissed on 08.01.2015. The petitioner filed I.A.No. 292 of 2015 for stay of further proceedings in O.S.No.28 of 2009 on the ground that the petitioner filed review petitions Nos.59 to 61 of 2015 to review the order passed on 08.01.2015 in CRP(MD).Nos.2160 to 2162 of 2014. All those petitions are pending. Therefore, the petitioner prayed for further stay till the disposal of the review petitions. The respondents filed counter and opposed the said averments. The learned Judge considering the averments made in the affidavit and counter ~~affidavit~~ dismissed the application holding that the petitioner has to obtain stay of the suit in review petitions filed before



this Court and held that the petitioner filed an application only to drag on the proceedings. Against that order of dismissal, the petitioner has come out with the present Civil Revision Petition.

4. The learned counsel appearing for the petitioner submitted that there are many old cases are pending before the same Court. The learned Judge erred in dismissing the I.A.No. 292 of 2015 in O.S.No.28 of 2009 on the ground that the petitioner is trying to drag on the proceedings.

5. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. The petitioner is seeking stay of further proceedings in O.S.No. 28 of 2009 till the disposal of the review petitions filed against the order passed in CRP(MD).Nos.2160 to 2162 of 2014, dated 08.01.2015. The reason for the said relief is that he has filed review petitions and the stay petitions before this Court. The petitioner has not stated review petition and stay petition are numbered and has not got any order of stay from this Court. In the circumstances, there is no illegality or irregularity in the order passed by the Court below warranting interference by this Court.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The District Munsif, Aranthangi.

trp
AES/RR-ME/27.01.2017/2P/2C

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