

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD).No.2402 of 2017

and

C.M.P.No.11308 of 2017

1.B.Balasubramanian

2.P.Mathiazalaghan

.. Petitioners

Vs.

1.The Deputy Registrar of Co-operative Societies,
O/o. the Deputy Registrar of Co-operative Societies,
Attur Circle,
Attur Taluk,
Salem District.

2.The President/Managing Director,
S.612, Attur Agricultural Producers,
Co-operative Marketing Society Ltd.,
Attur,
Salem District.

.. Respondents

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.98 of 2015 in CMA (CS) No.16 of 2014 dated 17.08.2015 on the file

of the Principal District Judge, Salem.

For Petitioners : Mr.S.Kamadevan
For R2 : Mr.L.P.Shanmuga Sundaram
For R1 : No appearance

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ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal orders dated 17.08.2015 passed in I.A.No.98 of 2015 in CMA (CS) No.16 of 2014 by the learned Principal District Judge, Salem.

2.The counsel for the petitioners submitted that the petitioners have filed an appeal in I.A.No.98 of 2015 in CMA (CS) No.16 of 2014 on the file of the Principal District Court, Salem. In the aforesaid appeal, the petitioners also filed an application for stay and the orders came to be passed on the ground that there were no Execution Proceedings filed and therefore, there is no necessity to consider the said application on merits. Hence, the Interlocutory Application is closed with liberty to file a fresh Interlocutory Application for stay as and when required. Pursuant to that the second respondent has passed a resolution to initiate the Execution proceedings against the petitioners against the order dated

17.08.2015.

3.The learned counsel appearing for the respondents would submit that the appeal filed by the petitioners is pending before the Court below and there is no stay application is pending. Therefore, the resolution has been passed by the second respondent to attach and bring the properties for sale.

4.This Court taking into considering that the aforesaid appeal in I.A.No.98 of 2015 in CMA (CS) No.16 of 2014 is posted for arguments. At this stage, if the respondent has executed the decree and the appeal will be become infructuous.

5.Therefore, considering the aforesaid submission and in the ends of justice, this Court is inclined to pass the following Orders:

1)The Appellate Court is directed to dispose of the CMA (CS) No.16 of 2014 on or before 30.06.2018 in accordance with law after providing an opportunity to the parties concerned;

2)In the mean time, the respondents shall not proceed with the Execution Petition till the final order passed in the appeal.

6. Accordingly, the Civil Revision Petition stands disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.03.2018

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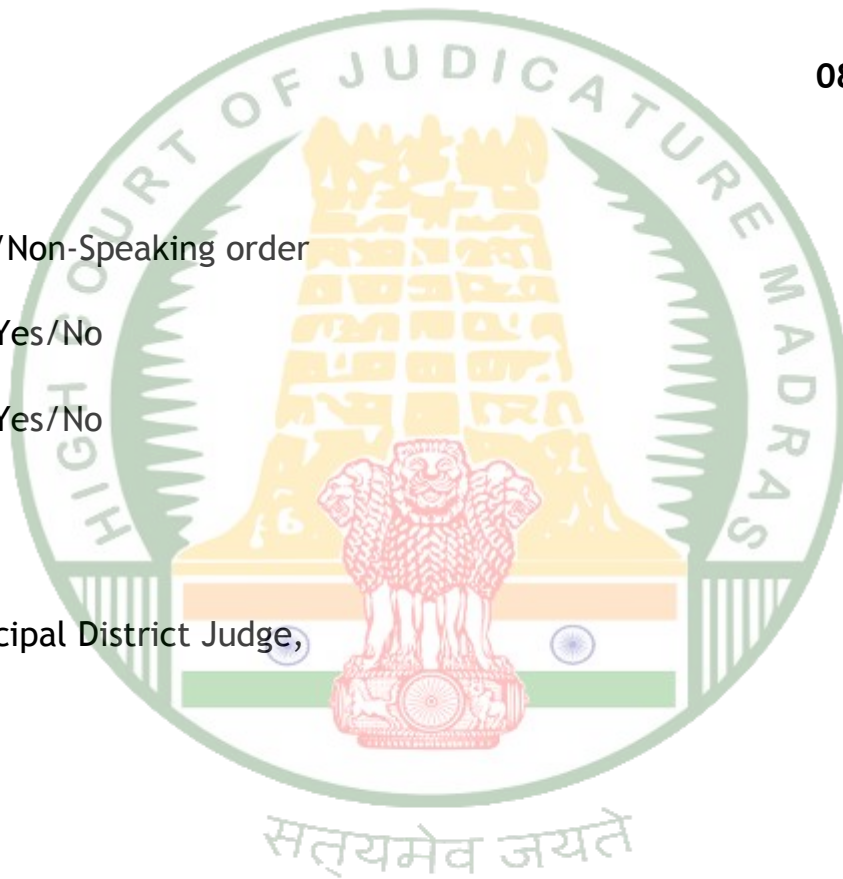
Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

To

The Principal District Judge,
Salem.



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D. KRISHNAKUMAR J.,

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