

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 2648 of 2016

and

C.M.P. No.13621 of 2016

1. Megala
2. S. Vinodha

.. Petitioners

Vs.

1. Kumar
2. Sathiswari

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.03.2016 made in I.A. No.787/2015 in O.S. No.293 of 2015 pending disposal on the file of Principal District Munsif Court, Poonamallee.

For Petitioner : Mr. T.L. Ram Mohan, Sr. Counsel
for Mr. Manoharan Sundaram

For Respondents : Mr. K. Elangovan

ORDER

This revision is filed against the fair and decreetal order dated 08.03.2016 made in I.A. No.787/2015 in O.S. No.293 of 2015 on the file of Principal District Munsif Court, Poonamallee.

2. The learned counsel for the petitioner would submit that the respondents have filed the I.A. No. 787/2015 under Order XXXIX Rule 1 & 2 of CPC and the said application was allowed by the court below. Challenging the same, the present revision has been filed before this Court.

3. The learned counsel for the respondents would submit that the order passed by the lower court in the application filed under Order XXXIX Rule 1 & 2 of CPC, is appealable order before the concerned Appellate Court. Hence, the present revision petition is not maintainable and the same is liable to be dismissed.

4. At the time of admission, interim stay was granted till

07.09.2016 but subsequently the order of stay was not extended. Considering the submission of the learned counsel for the parties, this Court is of the view that the petitioner has to file an appeal before the appropriate Court and hence this revision cannot be entertained.

5. In view of the above, the Civil Revision Petition is dismissed. However, it is open to the petitioner to file an appeal before the competent Appellate Court, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

24.01.2018

Index : Yes/ No

Speaking order/ Non speaking order

avr

To

The Principal District Munsif Court,
Poonamallee.

[Note : Registry is directed to return the certified copy of the impugned order to the petitioner, after obtaining a copy of the same.]

D. KRISHNAKUMAR J.,

avr



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