



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2018

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (NPD) (MD) No.831 of 2015

and

M.P. (MD) No.1 of 2015

Ramu

... Petitioner

vs.

Kumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 12.02.2015 made in I.A.No.140 of 2014 in A.S.No.34 of 2014 on the file of the Sub Court, Paramakudi.

For Petitioner : Mr.PT.S.Naraendravan

For Respondent : Mr.D.Senthil

ORDER

This Civil Revision Petition has been filed to set aside the order dated 12.02.2015 made in I.A.No.140 of 2014 in A.S.No.34 of 2014 on the file of the Sub Court, Paramakudi.

2. The facts of the case are that the suit in O.S.No.6 of 2009 was filed by the respondent herein/plaintiff against the petitioner herein /1st defendant for the relief of declaration of title and possession and for permanent injunction and the same was decreed in favour of the respondent herein / plaintiff on 01.12.2011 and therefore, the respondent has filed E.P.No.10 of 2014. At that time, A.S.No.34 of 2014 was filed by the petitioner herein as against the order passed in O.S.No.6 of 2009 and an I.A.No.140 of 2014 was filed to stay further proceedings in E.P.No.10 of 2014. The Court below, after hearing both the sides has dismissed the I.A.No.140 of 2014 in A.S.No.34 of 2014, against which, the petitioner herein moved the present Civil Revision Petition.

3. The learned counsel for the petitioner states that the petitioner herein has got a fair chance to succeed in the appeal in A.S.No.34 of 2014, which is pending before the Sub Court, Paramakudi and in the meantime, if the delivery is effected, the petitioner



will be put to great hardship and loss. He further states that this Court has ordered interim stay on 21.04.2015 and prayed for allowing the Civil Revision Petition and also prayed for a direction to be issued to the the learned Sub Judge, Paramakudi to dispose of the appealst suit within a time frame.

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4. The learned counsel for the respondent states that the petition in A.S.No.34 of 2014 and I.A.No.140 of 2014 was filed to stay the execution of the order passed in O.S.No.6 of 2009 were filed only to drag on the proceedings and to put the respondent / plaintiff into much hardship.

5. Heard the learned Counsel for the petitioner and the counsel for the respondent and perused the materials available on record.

6. Perusal of records shown that the suit is of the year 2009 and it was decreed in favour of the respondent on 01.12.2012. Admittedly, EP was filed in 2014. Petitioner filed appeal in the year 2014 and the I.A. seeking stay of the EP was filed in 2014 and after dismissal of the above I.A., CRP has been filed in the year 2015 and Interim Stay has been granted by this Court and it is pending till date. In my considered opinion, ends of justice would be met if the learned Judge is directed to dispose of the appeal in A.S.No.34 of 2014 within three months and the learned counsel for the petitioner and the learned counsel for the respondent are directed to co-operate for the disposal of the above appeal. Till then, there shall be an order of stay of the E.P. proceedings.

7. With the above directions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Paramakudi.

+ 1 CC TO Mr.PT.S.NARENDRAVASAN, ADVOCATE IN SR No. 54121
+ 1 CC TO Mr.D.SENTHIL, ADVOCATE IN SR No. 54234

PNN

TE/SKN-RSK/SAR-1 : 13/04/2018 : 2P/4C