



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.143 of 2016
and
C.M.P.[MD]No.677 of 2016

Devakumar : Petitioner/Respondent/1st Defendant

Vs.

1.Johnrose
2.Selvanayagam : Respondents/Petitioners/Plaintiffs

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the order passed in E.P.No.38 of 2014 in O.S.No,72 of 2004 dated 06.11.2015 on the file of the Principal District Munsif, Kuzhithurai and allow this revision petition.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.B.Brijesh Kishore

ORDER

The first defendant in O.S.No.72 of 2004 on the file of the Principal District Munsif Court, Kuzhithurai is the revision petitioner herein. The revision petitioner questions the execution proceedings initiated by the decree holder. The case of the revision petitioner is that he has already filed first appeal but with a petition for condonation of delay. Therefore, the first appeal is yet to be numbered.

2.Taking note of all these aspects this Court directs the execution Court to keep E.P.No.38 of 2014 in abeyance for a period of three [3] months. It is for the revision petitioner herein to get his first appeal numbered in the meanwhile. It is made clear that if the revision petitioner is unable to number the first appeal and get an interim order, the execution Court will be at liberty to proceed thereafter.



3.The Civil Revision Petition stands disposed of, with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Joint Registrar(Judicial)

Sub Assistant Registrar(CS-II)

To

The Principal District Munsif Judge,
Kuzhithurai.

+1CC to Mr.S.Sivakumar, Advocate, SR.No.86472

+1CC to Mr.B.Brijesh Kishore, Advocate, SR.No.86830

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MR

ES/SKN/RSK/SAR 2/17.10.2018/2P/4C