



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.1503 of 2016 and
C.M.P. (MD) No.7351 of 2016

A.Sathiyamoorthy ... Petitioner/Respondent/
Defendant
Vs.

Padhmanaban @ Padhmanathan ... Respondent/Petitioner/
Plaintiff

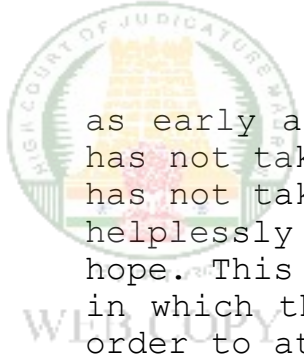
PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 20.06.2016 made in E.P.No.62 of 2012 in O.S.No.26 of 2011 on the file of the learned Principal District Judge, Karur and allow the above Civil Revision petition.

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.M.P.Senthil

ORDER

The defendant in O.S.No.26 of 2011 on the file of the learned Principal District Judge, Karur, is the Revision petitioner herein. The said suit was filed by the respondent herein seeking the relief of specific performance. The Revision petitioner suffered an ex-parte decree. He filed an application for setting aside the same. But there was a delay in doing so. To condone the same, he filed I.A.No.58 of 2013. The said application was dismissed by the trial Court. Challenging the same, the Revision petitioner filed C.R.P. (MD) No.1697 of 2013 before this Court. In the meanwhile, the said ex-parte decree was put into execution. E.P.No.62 of 2012 was filed. In the said execution petition, certain orders were passed against the Revision petitioner. Questioning the same, he filed C.R.P. (MD) No.1698 of 2013. It appears that both the Civil Revision petitions were taken up together and dismissed on 24.03.2014. But then, the certified copies were made available only on 19.06.2017. Since the Civil Revision petitions had admittedly been dismissed, the Execution Court went ahead. The sale deed came to be executed. The matter came to the stage of ordering delivery. Questioning the said continuance of the execution proceedings, this Civil Revision petition came to be filed in the year 2016 and Interim Stay was granted.

2. Today when the matter was taken up for hearing, the learned <https://hcservices.ecourts.gov.in/hcservices/> counsel appearing for the Revision petitioner narrated these developments. But then, it is seen that the order copy was delivered



as early as on 19.06.2017. It appears that the Revision petitioner has not taken further steps. This Court wanted to know as to why he has not taken further steps. The counsel for the Revision petitioner helplessly submitted that the litigant seems to have lost faith and hope. This Court could really appreciate the psychological condition in which the Revision petitioner is presently placed. Therefore, in order to atone for the institutional lapses, this Court directs that the Execution proceedings shall be put on hold for a period of three months from today. It is for the Revision petitioner to work out his rights in accordance with law.

3. With these directions, the Civil Revision petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Principal District Judge, Karur.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. **(2 copies)**

+1CC to Mr.P.Thiagarajan, Advocate, SR.No.81925

+1CC to Mr.M.P.Senthil, Advocate, SR.No.81692

C.R.P.(MD).No.1503 of 2016
31.08.2018

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