



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.1472 of 2018

Anthonoraj

... Petitioner

Vs.

1.Thiruthangal Hindu Nadar Uravinmurai,
Thiruthangal, Virudhunagar,
rep. by its President, M.S. Packiyam

2.Packiyam

3.Thangarathinam

4.Mariappan

5.Ramar

6.Balagurussamy

7.P.K. Ganesan

8.Sowri Malaiyan

9.Jeyakani

10.Arum

11.Saravanan

12.Thangam

13.Kosalairaman

14.Muthukani

15.Rajeshkumar

16.Karikolraj

17.Dhanuskodi

18.Murugavel

19.Arumugasamy

20.Murugesan

21.Saparimalayan

22.Karikolraj

23.K. Ramesh

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Sub Court, Sivakasi, Virudhuagar District to number the un-numbered I.A.S.R.No.3304 of 2018 in I.A.No.62 of 2017 in un-numbered A.S.No..... of 2017 on the file of the Sub Court, Sivakasi, Virudhunagar District.



For Petitioner

... Mr.G. Gomathi Sankar

ORDER

The petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India praying for issuing a direction to the Sub Court, Sivakasi, Virudhuagar District to number the un-numbered I.A.S.R.No.3304 of 2018 in I.A.No.62 of 2017 in un-numbered A.S.No..... of 2017, on the file of the Sub Court, Sivakasi, Virudhunagar District.

2. The petitioner has filed the present Civil Revision Petition challenging the order passed in un-numbered I.A.S.R.No.3304 of 2018 in I.A.No.62 of 2017. The petitioner has filed an appeal against the Judgment passed in O.S.No.233 of 2015 along with condone delay application in I.A.No.62 of 2017 in un-numbered A.S.No.... of 2017 before the learned Subordinate Judge, Sivakasi, Virudhunagar District. While so, he has also filed the present un-numbered I.A.S.R.No.3304 of 2018 seeking to grant an interim order of stay of meeting to be conducted by the respondents. The said application was returned by the learned Judge stating that pending disposal of the condone delay application, the petitioner has no right to file an application for stay.

4. Heard the learned counsel appearing for the petitioner.

5. Admittedly, the petitioner is having right to file an application to condone the delay in filing an appeal Suit. But, he has filed an application under Order 41 Rule 5 and 151 CPC seeking to grant an interim order of stay of meeting to be conducted by the respondents. Therefore, the learned Judge has rightly returned the papers stating that as to how the petition is maintainable, when the appeal is in un-numbered stage. Once the application for condoning the delay is ordered and the appeal is numbered, the petitioner is having right to file an application seeking any interim order, till the disposal of the appeal suit. The learned Judge has returned the papers stating that the appeal is yet to be numbered. Therefore, the petitioner is having no right to file such an application.

6. In view of the above, this Civil Revision Petition is disposed of with the following directions.

(a) The petitioner is directed to re-present the petition for stay filed in un-numbered I.A.S.R.No.3304 of 2018, by seeking the relief of interim stay till the disposal of the condone delay application, within a period of one week from the date of receipt of a copy of this order.

(b) On presenting the papers as per the above direction of this Court, the learned Judge is directed to number the same within a period of one week and thereafter, pass appropriate orders within



a period of two weeks, by giving an opportunity to both parties.

(c) No order as to costs.

WEB COPY

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Sub Judge, Sivakasi,
Virudhuagar District.

Copy to:-

The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)
(To return the original papers)

+1 CC to Mr.G.GOMATHI SANKAR, Advocate in SR.No.73218

TRP
RJ/SV/SAR-4/20/07/2018 - 3P/5C

C.R.P (MD) .No.1472 of 2018
17.07.2018