



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.2230 of 2016

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S.Ponnusamy

.... Petitioner / Respondent /
Defendant

vs.

Melapalayam Muslim Educational Committee,
Melapalayam, Reg. No.12/01,
Secretary, M.S.Mohammed Abubakkar.

.... Respondent/
Petitioner/ Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order passed in E.P.No.49 of 2013 in O.S.No.9 of 2011 on the file of the Principal Sub Judge, Tirunelveli.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.Balasubramanian

ORDER

The defendant in O.S.No.9 of 2011 on the file of the Principal Sub Court, Tirunelveli is the revision petitioner herein. The revision petitioner suffered a decree in the said suit. He had filed A.S.No.13 of 2016 before the IV-Additional District Judge, Tirunelveli. The appeal is still pending.

2. In the meanwhile, the plaintiff filed E.P.No.49 of 2013. It appears that the interim order obtained by the defendant in the first appeal was not extended for certain reasons. Since there was no interim order staying the execution proceedings, the execution Court rightly went ahead and in the absence of an order for stay, the order passed by the execution Court cannot be faulted.

3. But then, this Court has to render substantial justice. Since the first appeal filed by the revision petitioner is still pending, it cannot be appropriate to permit the execution proceedings to reach their logical conclusion before the first appeal is disposed of. Therefore, this Court directs the execution Court that the execution proceedings shall be put on hold. The first appeal shall be disposed of on merits and in accordance with law on or before 21.12.2018.



4. This Civil Revision Petition is disposed of accordingly.

No Costs.

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/True Copy/

Sd/-

Assistant Registrar(AD-I)

Sub Assistant Registrar(CS-IV)

To

1.The Principal Sub Judge,
Tirunelveli.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No.86445

+1CC to Mr.T.Selvan, Advocate, SR.No.86399

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PJL

ES/SKN/RSK/SAR 4/25.10.2018/2P/6C