



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.79 of 2016

and

C.M.P.[MD]No.322 of 2016

Y.D.Shoba

:Petitioner/Respondent/
Defendant

Vs.

1.C.Nagarajan

2.Jeyaraj

:Respondents/Petitioners/
1&2 Plaintiffs

PRAYER: Civil Revision Petitions are filed under Section 115 of the Code of Civil Procedure, praying to set aside the fair and decreetal order dated 09.12.2015 in E.P.No.7 of 2015 in O.S.No.108 of 2011 on the file of Principal District Munsif, Padmanabhapuram and allow this Civil Revision Petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.R.Joseph Thankaraj

O R D E R

The revision petitioner is the defendant in O.S.No.108 of 2011, on the file of the Principal District Munsif Court, Padmanabhapuram. She suffered an adverse decree. Questioning the same, the revision petitioner has filed A.S.No.28 of 2016 before the Subordinate Court, Padmanabhapuram. In the meanwhile, E.P.No.7 of 2015 came to be filed. An Advocate Commissioner was appointed in the execution proceedings on 09.12.2015. Questioning the same, this Civil Revision Petition has been filed.

2.This Court is of the view that since first appeal has been filed, the execution petition can be put on hold for a period of five months. It appears that the first respondent is no more. The revision petitioner will have to take steps to bring the legal heirs of first respondent in the first appeal on record. The revision petitioner shall speedily take steps and the first appeal itself shall be disposed of by the learned Subordinate Judge, Padmanabhapuram, within a period of four [4] months from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The Civil Revision Petition is disposed of, with the above



direction. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Subordinate Judge,
Padmanabhapuram.

2.The Principal District Munsif,
Padmanabhapuram.

+ 1 CC TO MR.R.JOSEPH THANKARAJ, ADVOCATE IN SR NO.86820

+ 1 CC TO MR.N.S.RAMAKRISHNA DASS, ADVOCATE IN SR NO.86630

MR

BU/RSK/SAR-III:29.10.2018 : 2P/5C

ORDER MADE IN
C.R.P.NPD[MD]No.79 of 2016
25.09.2018