



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.1850 of 2018 and
C.M.P. (MD) No.8108 of 2018

Paulpandi ... Petitioner/Petitioner/ Appellant

Vs.

Lillyboy ... Respondent/Respondent/ Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.240 of 2017 in A.S.No.83 of 2017, dated 02.04.2018 on the file of the Sub Court, Valliyoor.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.V.Meenakshi Sundaram,
for Mr.D.Nallathambi.

O R D E R

The Revision petitioner herein is the defendant in O.S.No.130 of 2012 on the file of the Additional District Munsif Court, Nanguneri. He suffered a decree for possession. Questioning the same, A.S.83 of 2017 was filed before the Sub Court, Valliyoor. During the pendency of the first appeal, he sought interim stay. The said application was dismissed. Hence, the Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. When the first appeal is a continuation of the original proceedings, the Court below ought to have granted interim relief as sought for. This is all the more so because E.P.No.5 of 2017 had already been filed by the decree holder.

4. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly.



5. The first appellate Court is directed to dispose of A.S.83 of 2017 on merits and in accordance with law, within a period of five months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

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Assistant Registrar(T&)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Subordinate Judge,
Valliyoor.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.D.NALLATHAMBI, ADVOCATE IN SR.NO. 87071
+1cc to MR.H.ARUMUGAM, Advocate in SR.No. 87101

pmu

DS/RP/SAR3/27.10.2018/2P/6C

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