



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.1972 of 2018

and

C.M.P. (MD) No.8702 of 2018

R.Neelavathy ...Petitioner / Petitioner / Judgment Debtor

/Vs./

N.Sivakami ...Respondent /Respondent / Decree holder

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records pertaining to the fair and decreetal order dated 06.03.2017 made in E.A.No.394 of 2016 in E.P.No.41 of 2014 in O.S.No.865 of 1994 on the file of the 1st Additional Subordinate Judge, Tiruchirappalli and set aside the same.

For Petitioner: Mr.M.Kalifullah

For Respondent: Mr.M.Ashokkumar

ORDER

The respondent filed O.S.No.865 of 1994 on the file of the First Additional Sub Court, Tiruchirappalli, seeking the relief of specific performance. It was decreed exparte on 27.06.2011. The decree was put to execution in E.P.No.41 of 2014. In the said Execution Petition, the revision petitioner / Judgment Debtor filed E.A.No.394 of 2016 for staying further proceedings. The said E.A.No.394 of 2016 was dismissed on 06.03.2017. Challenging the same, the civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. It is not in dispute that the revision petitioner has filed I.A.No.23 of 2017 in O.S.No.865 of 1994 under Section 28 of the Specific Relief Act, 1963 and that the same is still pending. Therefore, this Court directs the learned Sub Judge, Tiruchirappalli, to dispose of I.A.No.23 of 2017 in O.S.No.865 of 1994 within a period of four weeks from the date of receipt of a copy of this order. The proceedings in E.P.No.41 of 2014 shall be put on hold for a period of eight weeks from the date of receipt of a copy of this order.



4. With the above directions, the civil revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Judicial)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The 1st Additional Subordinate Judge, Tiruchirappalli.

+ 1 CC TO MR.M.ASHOKKUMAR, ADVOCATE IN SR NO.84965

SM

BU/NM/RP/SAR-IV :14.11.2018 : 2P/3C

Order made in
C.R.P. (MD) (NPD) No.1972 of 2018
17.09.2018