



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2281 of 2018

and

C.M.P. (MD) .No.10230 of 2018

M.S.M.Mohamed Basul Ashub (Died)

1.M.B.A.Jamal Mohamed

2.M.B.A.Ahamed Neina

3.M.B.A.Mohaideen Sathakathulla Maraika

4.M.B.A.Mohadum Meena Nachi

5.M.B.A.Kaja Moinudeen

6.M.B.A.Kithuru Beevi Fathima

7.M.B.A.Mohamed Saleem

8.M.B.A.Sakina Beham

9.M.B.A.Bowsiya Beham

10.M.B.A.Regina Beham

11.M.B.A.Abdul Nasar

12.M.B.A.Haseena Behum

13.M.B.A.Moghseena Beham ... Revision Petitioners /

Petitioners/Petitioners/Plaintiffs

Vs.

V.Veerapandi ... Respondent/1st Respondent/1st Defendant

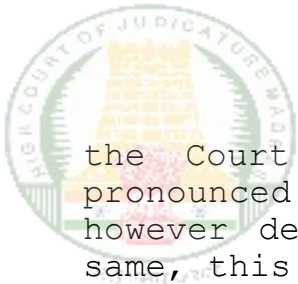
PRAYER : Petition filed under Article 227 of the Constitution of India to set aside the petition and docket order dated 03.10.2018 passed in I.A.No.950 of 2018 in O.S.No.118 of 2013 on the file of District Munsif Court, Srivaikundam.

For Petitioners : Mr.M.P.Senthil

ORDER

The plaintiffs in O.S.No.118 of 2013 on the file of the District Munsif Court, Srivaikundam are the revision petitioners herein. Trial in the suit has commenced. P.W.1 has been examined in chief. In the meanwhile, the petitioners have applied for re-issuance of warrant to the Advocate Commissioner. The Court below had originally declined. Challenging the same, the petitioners herein have filed C.R.P.No.1887 of 2017.

2.It is submitted that arguments have already been advanced in that Civil Revision Petition and orders were reserved on 29.09.2018. till date, orders are yet to be pronounced. The petitioners' case is that the outcome of the said Civil Revision Petition would definitely have a bearing. Therefore, they wanted



the Court below to stay the proceedings till the orders are pronounced in the C.R.P.No.1887 of 2017. The Court below has however declined to accede to the said request. Challenging the same, this Civil Revision Petition has been filed.

WEB COPY

3.I am of the view that the stand of the Court below cannot be said to be incorrect. The Court below has merely followed the mandate set out in Section 115 (3) of CPC. The said provision reads that "A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court".

4.When the Court below has acted in terms of Section 115 (3) of CPC, this Court cannot call upon the Court below to disregard the same. However, in the interest of justice, the Court below is directed not to proceed further in the suit for a period of 30 days from the date of receipt of a copy of this order. It is for the petitioner herein to make a mention before the concerned Judge who has reserved orders in the Civil Revision Petition. Of nothing is heard further, the Court below shall resume the proceedings. This Court grants only a limited stay for a period of 30 days.

5.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Srivaikundam.

+1CC TO MR.M.P.SENTHIL, ADVOCATE IN SR.NO.90122.

PNN
DS RP SAR-3 12.10.2018 2P/3C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2281 of 2018
and
C.M.P. (MD) .No.10230 of 2018
11.10.2018