

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY

C.R.P. (NPD) No.4709 of 2013

and

M.P. No.1 of 2013

R.Sivanraj

... Revision Petitioner

Vs.

1.Maruthammal

2.Tamil Nadu Government, Rep. by
The District Collector,
Erode District, Erode.

3.The Tahsildar,
Sathyamangalam,
Erode District, Erode.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 25.09.2013 made in I.A.No.11 of 2013 in A.S.No.4 of 2013 on the file of the Court of the Subordinate Judge, Sathyamangalam.

For Petitioner : Mr. V.K.Gowtham

For R1 : Mr. R.Thirumoorthy

For R2 & R3 : Mr. Dev Narendran
Government Advocate (CS)

ORDER

Challenging the fair and final order passed in I.A.No.11 of 2013 in A.S.No.4 of 2013 on the file of the Subordinate Court, Sathyamangalam, the 3rd defendant in O.S.No.240 of 2010 on the file of the District Munsif Court, Sathyamangalam, has filed the above Civil Revision Petition.

2.The 1st respondent filed a suit in O.S.No.240 of 2010 for declaration, mandatory injunction and for other reliefs. After contest, the suit was decreed by the trial Court on 29.11.2012. Aggrieved over the same, the 3rd defendant filed an appeal in A.S.No.4 of 2013 before the Subordinate Court, Sathyamangalam. In the said appeal, the 3rd defendant also filed an application in I.A.No.11 of 2013, seeking for stay of all further proceedings of the judgment and decree passed in O.S.No.240 of 2010 dated 29.11.2012. The lower appellate Court, by order dated 25.09.2013, dismissed the application, finding that the appeal was ripe for arguments on 25.06.2013 itself. Further, the lower appellate Court observed that, already Legal Heirship Certificate was issued, pursuant to the judgment and decree passed by the trial Court, to the plaintiff. Further, the lower appellate Court observed that, if any stay is granted, the petitioner would take advantage of the same and try to unsettle the settled positions.

3.Learned counsel appearing for the 1st respondent submitted that the appeal is still pending in view of the interim stay granted by this Court.

4.Since, the lower appellate Court has observed that the Legal Heirship Certificate was already issued to the 1st respondent, I do not find any reason to grant interim stay in I.A.No.11 of 2013. However, the lower appellate Court can be directed to dispose of the appeal within a time frame. For the reasons stated above, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

5.I direct the Subordinate Judge, Sathyamangalam, to dispose of the appeal in A.S.No.4 of 2013 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

सत्यमेव जयते

18.10.2019

mkn

Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order

To

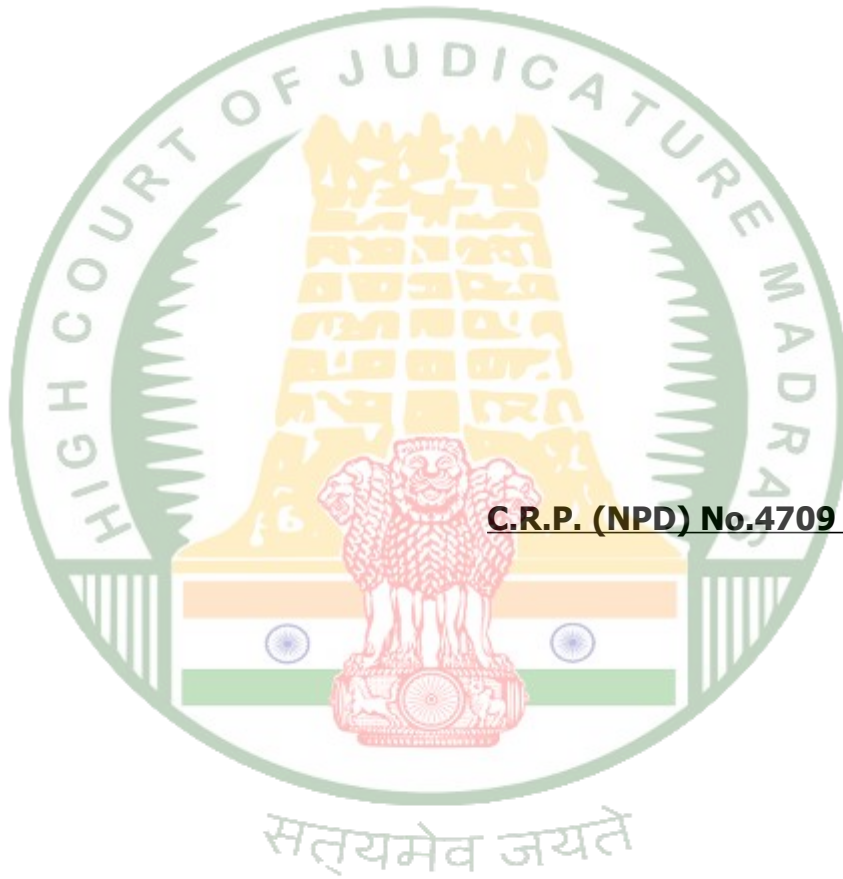
The Subordinate Judge,
Sathyamangalam.

WEB COPY

C.R.P. (NPD) No.4709 of 2013

M. DURAISWAMY, J.

mkn



C.R.P. (NPD) No.4709 of 2013

WEB COPY

18.10.2019