

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.2331 of 2019

and

C.M.P.No.15204 of 2019

A.Senthil Kumar

... Petitioner

Vs.

R.Gengusamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Sub Court, Udumalpet to keep the petition filed in I.A.No.356 of 2019 in OS.No.156 of 2011 in abeyance pending disposal of I.A.No.61 of 2019 in A.S.C.F.R.No.1519 of 2019 on the file of the Principal District Court, Tiruppur.

For Petitioner

: Mr.D.R.Arun Kumar

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ORDER

Having suffered a decree, the petitioner filed an appeal in A.S.C.F.R.No.1519 of 2019 before the Lower Appellate Court with a delay of 45 days. Pending the condone delay petition, the petitioner seeks a direction to the trial Court to keep in abeyance I.A.No.356 of 2019 filed by

the respondent/decreed holder. The petitioner is under apprehension that an order will be passed in favour of the respondent. Order 41 Rule 5 (1)(2) of CPC provides for grant of stay by the trial Court which passed the decree, of the execution till expiration of appeal period. Even that shall be on deposit or furnishing security. The petitioner without recourse to available remedy, has approached this Court on apprehension that too after expiration of appeal period. The Civil Revision Petition cannot be maintained on the basis of apprehension and therefore, this Court cannot entertain the same. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2019

bri

Index:Yes/No

Internet:Yes/No

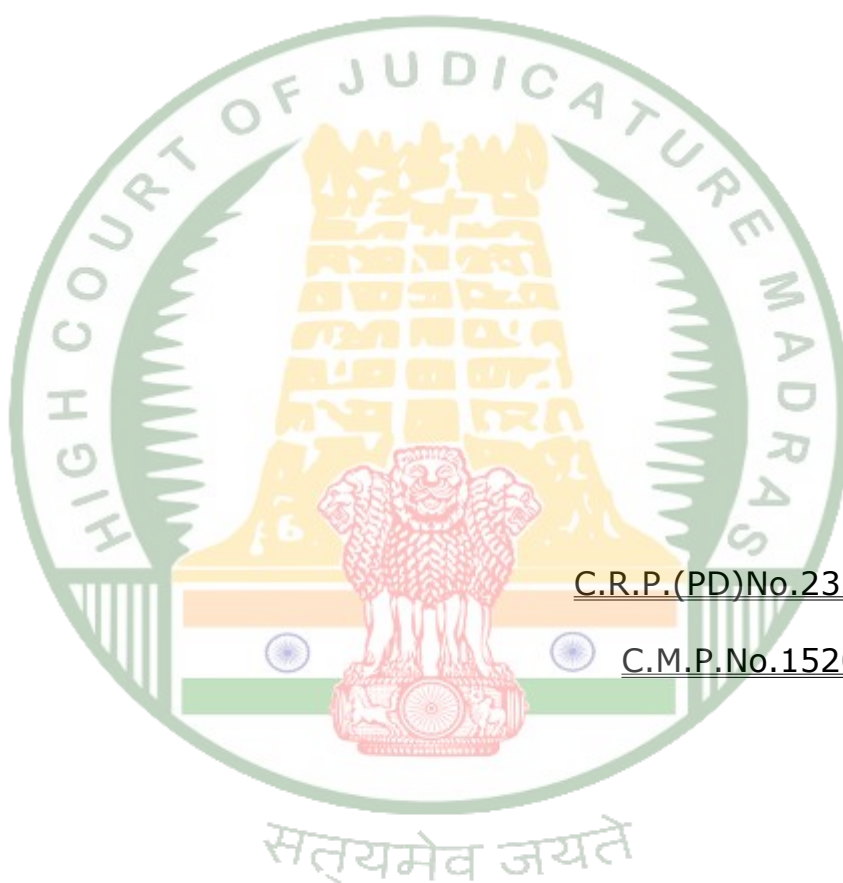
Speaking Order/Non Speaking Order

To

1. The Judge,
Principal District Court,
Tiruppur.
2. The Sub Court,
Udumalpet.

M. GOVINDARAJ, J.

bri



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