

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.03.2019****CORAM****THE HONOURABLE MR. JUSTICE R.PONGIAPPAN****C.R.P.(MD)No. 624 of 2019****and C.M.P. (MD) No. 3185 of 2019**

Pushpavalli

... Petitioner/Petitioner/3rd Judgment
Debtor/3rd defendant

Vs.

1. R. Ganapathi Ammal

2. A.P.R. Mamundi

... Respondents/Respondents/Judgment
Holders/Plaintiffs

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and Decretal Order dated 21.03.2019, passed in E.A. No . 1 of 2019 in E.P. No.1 of 2019 in O.S. No.285 of 2008, on the file of the Principal District Munsif Court, Manapparai and stay all further proceedings in the E.P. No.1 of 2019 in O.S. No. 285 of 2008, on the file of the Principal District Munsif Court, Manapparai, till the disposal of the appeal bearing A.S. No. 1 of 2019, on the file of the Principal Subordinate Court, Trichy.

For Petitioner

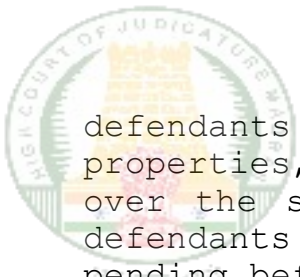
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Mr. T. Balakumaran

ORDER

This Civil Revision Petition has been filed, to set aside the fair and Decretal Order dated 21.03.2019, passed in E.A. No . 1 of 2019 in E.P. No.1 of 2019 in O.S. No.285 of 2008, on the file of the Principal District Munsif Court, Manapparai and stay all further proceedings in the E.P. No.1 of 2019 in O.S. No. 285 of 2008, on the file of the Principal District Munsif Court, Manapparai, till the disposal of the appeal bearing A.S. No. 1 of 2019, on the file of the Principal Subordinate Court, Trichy.

2.The petitioner herein is the third defendant in O.S.No.285 of 2008, before the Principal District Munsif Court, Manapparai. The respondents/plaintiffs herein have filed a suit in O.S. No.285 of 2008, as against the petitioner herein and others, for declaring that they are the absolute and exclusive owners of 'B' and 'C' schedule properties and for consequential relief of recovery of possession. After full-fledged trial, the suit was decreed in favour of the plaintiffs, by Judgment and Decree, dated 30.10.2018 the learned Principal District Munsif, Madurai directing the



defendants to deliver the possession of the 'B' and 'C' schedule properties, after removing the superstructure therein. Aggrieved over the said findings, the petitioner herein together with other defendants have filed an appeal in A.S. No. 1 of 2019 which is now pending before the Principal Subordinate Court, Trichy.

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3. It is the case of the petitioner that, during the pendency of the appeal in A.S. No. 1 of 2019, the plaintiffs have filed an execution petition in E.P. No. 1 of 2019, for recovery of the suit property and the said execution petition is pending before the Principal District Munsif, Manapparai, in which, the petitioner herein filed an application in E.A. No.1 of 2019, seeking relief to stay the entire execution petition proceedings and the said petition was dismissed by the learned Principal District Munsif, Manapparai. Now, against the dismissal order, dated 21.03.2019, passed by the learned Principal District Munsif, Manapparai, the instant Civil Revision Petition has filed without enclosing the detailed order passed by the learned Principal District Munsif, Manapparai. A manner of filing the Civil Revision Petition by the revision petitioner shows, he attempted to drag on the proceedings. Since the appeal filed against the Judgment and Decree is pending with the Appellate Court, the revision petitioner herein without approaching the remedy available before the Appellate Court, straightaway filed this Revision Petition, without enclosing the order passed by the learned Principal District Munsif, Manapparai. So, in all way, the revision petitioner herein has approached this Court without relevant and necessary documents. In view of the reasons stated above, the instant Civil Revision Petition is not maintainable and liable to be dismissed.

4. In the result, the instant Civil Revision Petition No.624 of 2019 is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1 The Principal District Munsif Court,
Manapparai.
- 2 The Principal Subordinate Judge, Trichy.

1CC TO MR. T.BALAKUMARAN, ADVOCATE SR 57867

<https://hcservices.ecourts.gov.in/hcservices/>

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C.R.P. (MD) .No. 624 of 2009