



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) No.460 of 2019

and

C.M.P. (MD) No.2323 of 2019

1.Habeeba
2.Rasool
3.Ramzan
4.Yousuf
5.Sherif
6.Mydeen Fathima
7.Mymoon ... Petitioners/Respondents/Respondents

vs.

Kabeer ... Respondent/Plaintiff/Appellant

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.12.2018 made in I.A.No.13 of 2018 in C.M.A.No.3 of 2018 on the file of the Principal Sub Court, Tirunelveli.

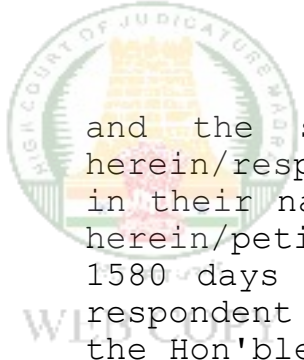
For Petitioners : Mr.A.Arumugam

ORDER

This Civil Revision Petition has been filed to set aside the order dated 01.12.2018 passed in I.A.No.13 of 2018 in C.M.A.No.3 of 2018 by learned Principal Subordinate Judge, Tirunelveli.

2.I.A.No.13 of 2018 was filed by the respondent herein/first defendant for an order of interim stay of operation of the fair and decreetal order passed in E.P.No.15 of 2014.

<https://hcservices.ecourts.gov.in/hcservices>
3.The petitioners herein/respondents contended that the suit in O.S.No.490 of 2009 was decreed on 27.01.2010. To execute the decree, the petitioners herein/respondents filed E.P.No.15 of 2014



and the same was allowed on 13.06.2018 and the petitioners herein/respondents were taking steps to get the sale deed executed in their names and to set aside the ex parte decree, the respondent herein/petitioner filed I.A.No.459 of 2015 to condone the delay of 1580 days and the same was dismissed. Now the averment that the respondent herein/petitioner preferred Special Leave Petition before the Hon'ble Supreme Court is stated as false and the first appellate Court after analyzing the issue of limitation and discussing the same, stayed all further proceedings in E.P.No.15 of 2014. As against the same, the petitioners herein filed the present Civil Revision Petition.

4.The first appellate Court has also discussed the issue of limitation elaborately. Now, the learned counsel for the petitioners requested this Court to dispose of the appeal in C.M.A.No.3 of 2018 by learned Principal Subordinate Judge, Tirunelveli at the earliest.

5.In view of the status of the case and in view of the submission of the learned counsel for the petitioners, this Court directs the learned Principal Subordinate Judge, Tirunelveli to dispose of the appeal in C.M.A.No.3 of 2018 within a period of two months from the date of receipt of a copy of this order after verifying the pendency of any other proceedings regarding this case before the Hon'ble Supreme Court since an order of interim stay has already been granted in the said E.P.,

6.This Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar

To

The Principal Subordinate Judge, Tirunelveli.

+1CC to M/s.Ajmal Associates in SR.No. 53047.

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