



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) .No.695 of 2019

and

C.M.P. (MD) .No.3871 of 2019

1.Ganesan
2.Murugan

... Petitioners/Petitioners
Respondents/Defendants

-Vs-

Blessan

... Respondent/Respondent
Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 28.01.2019 passed in unnumbered E.A.SR.No.406 of 2019 in E.P.No.32 of 2018 in O.S.No.190 of 2013 on the file of the District Munsif Court, Srivaikundam.

For Petitioners : Mr.P.M.Vishnuvarthanan

O R D E R

The Civil Revision Petition has been filed challenging the return of E.A.SR.No.406 of 2019 in E.P.No.32 of 2018 in O.S.No.190 of 2013 on the file of the District Munsif Court, Srivaikundam, dated 28.01.2019.

2. The application in E.A.SR.No.406 of 2019 has been filed for stay of the proceedings in E.P.No.32 of 2018. But, the District Munsif Court, Srivaikundam has returned the application for the following reasons:

*"No reason has been adduced seeking for stay of E.P.
Hence, petition returned as not maintainable."*

3. It is the case of the revision petitioners that it is for the Court to decide and pass orders on the application and it is not for the Office of the District Munsif Court, Srivaikundam, to decide whether sufficient reasons have been stated in the petition or not.

4. Heard the learned counsel for the petitioners and perused the materials available on record.



5. No doubt, as rightly contended by the learned counsel for the petitioners, it is for the Court to decide after hearing both side whether the reason has been adduced seeking for stay of the execution proceedings and it is not for the Office to decide whether sufficient reason has been adduced or not, while returning the application. Therefore, this Court directs the Office of the District Munsif Court, Srivaikundam, to number the application and post the matter before the learned District Munsif, Srivaikundam, to decide the matter on merits, after affording an opportunity to both the parties.

6. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

The District Munsif Court,
Srivaikundam.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate SR-93359.

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