



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (NPD) (MD)No.80 of 2015

WEB COPY

1.Paulraj
2.Radhamani
3.David

: Petitioners/Petitioners/Defendants

.. Vs ..

1.Mariappan
2.Kanthaiah

: Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the fair order dated 11.08.2014 passed in E.A.No.126 of 2014 in O.S.No.74 of 2010 on the file of the Sub Court, Kuzhithurai by allowing this Civil Revision Petition.

For Petitioners : Mr.V.Meenakshisundaram
for M/s.D.Nallathambi

For Respondents : Mr.V.M.Balamohan Thambi

ORDER

This Civil Revision Petition is directed against the order in E.A.No.126 of 2014 dismissing the petition for stay filed by the revision petitioners on the ground that already a petition for stay is pending in the appeal in A.S.No.47 of 2013 filed against O.S.No.74 of 2010.

2.It is stated that the revision petitioners are the defendants in the suit which was filed for declaration and for recovery of possession. It is admitted that the suit was decreed by a judgment and decree dated 21.02.2013 by the Sub Court, Kuzhithurai. It is also admitted that an appeal was filed by the revision petitioners in A.S.No.47 of 2013 before the Principal District Court, Nagercoil.

3.During the pendency of the appeal, it appears that the execution petition in E.P.No.32 of 2013 was filed by the respondents/plaintiffs before the Sub Court, Kuzhithurai for executing the decree. The revision petitioners filed the application in E.A.No.126 of 2014 for stay of proceedings. The said petition was dismissed and therefore, the present Civil Revision Petition is filed by the revision petitioners.

4.Now, it is stated that the appeal filed by the revision petitioners in A.S.No.47 of 2013 before the Principal District



Munsif Court, Nagercoil is allowed and the decree for declaration of title and recovery of possession was set aside. In these circumstances, the execution petition in E.P.No.32 of 2013 has been closed. Therefore, the learned Counsel appearing for the revision petitioners and the learned Counsel appearing for the respondents submitted that this Civil Revision Petition may be dismissed as infructuous.

5.Recording the statement of the learned Counsel appearing for the petitioners and the learned Counsel appearing for the respondents, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To
The Judge, Sub Court,
Kuzhithurai.

Copy to

- 1.The Principal District Munsif Court,
Nagercoil.
- 2.The Section Officer(Records)-2 copies
VR Section, Madurai Bench of Madras High Court,
Madurai.

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