



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(NPD)No.465 of 2019
and
CMP.No.3102 of 2019

[Through Video Conferencing]

D.Thajappan ..Petitioner / Respondent

vs.

M.Murugesan ..Respondent / Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal orders dated 09.11.2018 passed in I.A.No.37 of 2018 in A.S.No.40 of 2018 on the file of the Principal District Court, Thiruvannamalai and dismiss the said I.A..

For Petitioner : Mr.P.Mani

For Respondent : No appearance

ORDER

The grievance expressed by Mr.P.Mani, learned counsel for the revision petitioner is that though the revision petitioner had obtained a Decree in O.S.No.24 of 2012 dated 24.07.2015 which decree entitled the petitioner for recovery of money, and, the defendant had preferred an appeal in A.S.No.40 of 2018, the Principal District Court at Thiruvannamalai had granted stay of a lawfully obtained decree without imposing any conditions which is requisite under Order 41 Rule 5 of the Code of Civil Procedure.

2.Questioning such grant of stay of decree without imposing any condition the present revision petition has been filed.

3. I would therefore interfere with the said order and set aside the said order of stay but also give liberty to the respondent, if he seeks to urge for stay then he should come



forward to subject to any reasonable condition and the learned Principal District Judge should also apply his mind and examine whether any conditions should be imposed and if condition is to be imposed, impose such condition and if condition is not imposed give reasons to why conditions are not imposed.

4.At any rate, a direction is issued to the learned Principal District Judge, Tiruvannamalai to dispose of A.S.No.40 of 2018 itself without taking into consideration the pendency of any Interlocutory Applications, on or before 30.09.2021.

5.With the said observation, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition is also closed. No order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ssi

To

1. The Principal District Judge,
Thiruvannamalai.

Copy To :

1. The Section Officer,
VR Section,
High Court, Madras.

+1cc to M/s.P.Mani, Advocate, S.R.No.35015

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RLD(CO)
RGA(17/08/2021)