



C.R.P.NPD.No.975 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(NPD).No.975 of 2019

and

C.M.P.No.6455 of 2019

W.T.Sundaramurthi

... Petitioner

Versus

Arulmighu Vaigundaperumal Thirukoil,
Represented by its Executive Officer,
having his office at
Vaikundaperumal Koil Sannadi Street,
Kanchipuram Town.

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the order and decretal order made in E.A.No.86 of 2018 in E.P.No.205 of 1991 in O.S.No.161 of 1970 dated 08.02.2019, on the file of the Principal District Munsif Court, Kancheepuram.

For Petitioner : Mr.R.Tholgappian

For Respondent : No appearance



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ORDER

WEB COPY The petitioner is challenging the order passed by the learned Principal District Munsif, Kancheepuram in E.A.No.86 of 2018 in E.P.No.205 of 1991 in O.S.No.161 of 1970, dated 08.02.2019.

2. The revision petitioner herein is the judgment debtor and the defendant in O.S.No.161 of 2070 filed by the respondent / Temple through its Executive Officer and the same was decreed. The revision petitioner has preferred an appeal before the learned District Judge of Chengalpattu, in A.S.No.92 of 1978, which was also dismissed on 08.03.1978, against the petitioner. Thereafter, he has preferred SLP Nos.13768 of 2018 and 13769 of 2018 and the same were dismissed by the Hon'ble Supreme Court on 06.08.2018. During the pendency of the E.P.No.205 of 1991 filed by the plaintiff to execute the decree passed in O.S.No.161 of 2070, he filed E.A. No.86 of 2018 under Section 151 of C.P.C to grant temporary stay of operation of delivery order passed on 03.10.2018, in order to get compromise and the said application was objected by the plaintiff.



WEB COPY 3. On hearing both sides, the Executing Court dismissed the petition concluding that, already the judgment debtor gained 4 months time and if again time is granted, it would be a mockery of law. Aggrieved by that order, he has preferred this revision.

4. The learned counsel for the revision petitioner appeared and submitted that he wants to know the present status of the petitioner. But on a perusal of the records, it reveals that, the suit was filed in the year 2017 by the Temple authority and they contested the suit before the Hon'ble Apex Court on 06.10.2018. The SLP confirmed the order of the lower Court, and the Execution Petition is also pending from the year 1991 onwards. The judgment debtor exhausted all these remedies available to him under law before all the forums. During the execution proceedings, he filed petition seeking permission of stay in order to enter into compromise, which is not permissible under law. The conduct of the revision petitioner is going on filing such an applications to cause stall the proceeding should not be encouraged by the Court.



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5. This Court does not find any merits in this revision Petition.

Accordingly this Civil Revision Petition is dismissed. The trial Court is directed to dispose of the Execution Petition within a period of three months from the date of receipt of a copy of this order without any delay. Consequently, connected miscellaneous petition is closed. No costs.

29.10.2021

Index : Yes / No
Speaking Order: Yes/No
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To

1.The Principal District Munsif,
Kancheepuram.

2.The Section Officer,
V.R.Section, High Court of Madras.



WEB COPY



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T.V.THAMILSELVI, J.

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