



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifth day of August Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CMP(MD) No.2118 of 2017

IN

CRP(MD) No.423 of 2017

P.KARUPPIAH

... PETITIONER/PETITIONER

Vs

1. DR.J.AMALA DEVI

2. DR.J.AMALA DEVI

(R-1 remaining exparte, Hence,
notice may be given up against R1)

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay all further proceedings in O.S.No.404 of 2010 on the file of the learned Additional Subordinate Judge, Dindigul, pending disposal of the Civil Revision Petition.

PRAYER IN CRP(MD) No.423 of 2017 :

To call for the records of the learned Additional Subordinate Judge, Dindigul made in I.A.No.340 of 2016 in O.S.No.404 of 2010 and set aside the Fair and Decreetal Order dated 22.11.2016.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.SIDDHARTHAN, Advocate for the petitioner and of Mr.Y.PRAKASH, Advocate for the 2nd Respondent, the court made the following order:-

The case is pending from the year 2017, the matter is placed before me on 08.04.2014, 21.04.2021, 16.06.2021, 24.06.2021, 07.07.2021 and on 19.07.2021. On 21.04.2021, this Court has ordered the learned counsel for the petitioner to furnish copies to the learned counsel for the respondents. But, the copies were not furnished. Again, on 24.06.2021, the matter was adjourned to 07.07.2021 " for furnishing copies to the respondent counsel or for orders in the stay petition". On that date (07.07.2021) also , the case was adjourned for orders in the stay petition. Again, on



19.07.2021, the case was posted for furnishing copies or for orders. The learned counsel for the petitioner failed to furnish copies. Even today (i.e.05.08.2021), no copies were served on the learned counsel for the respondents.

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2.The learned counsel for the respondents represented that the copies were not served.

3.On the side of the petitioner, it is stated that since the petitioner is not doing well, copies could not be furnished. This reason is not acceptable, for non-furnishing copies to the learned counsel for the respondents. After getting a stay order, the petitioner is reluctant to proceed with the case.

4.In the above circumstances, the stay order granted by this Court, is **vacated**. The learned counsel for the petitioner is directed to furnish copies to the learned counsel for the respondent in the Civil Revision Petition.

5.The Registry is directed to send a copy of this order to the lower Court forthwith.

sd/-
05/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ADDITIONAL SUBORDINATE JUDGE,
DINDIGUL.

ORDER
IN
CMP (MD) No.2118 of 2017
IN
CRP (MD) No.423 of 2017
Date :05/08/2021

ls
USK/JC/SAR-II : 10/08/2021 : 2P/2C