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C.R.P.No.1473 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P.No.1473 of 2019
and CMP.No.9660 of 2019

G.Varalakshmi

... Petitioner

.Vs.

Alamelu

...Respondent

Prayer:- Civil Revision Petition filed under Section 115 of CPC., to set aside the order and decretal order passed by the learned Subordinate Judge, Poonamallee in I.A.No.153 of 2018 in A.S.No.54 of 2018 by order dated 23.01.2018.

For Petitioner : Mr.S.Sundaresan

For Respondent : Mrs.D.Sujatha

ORDER

This Civil Revision Petition has been filed against the fair and decretal order passed by the Court below in I.A.No.153 of 2018 in A.S.No.54 of 2018, dismissing the petition filed under Order 41 Rule 5 of CPC., to stay the proceedings in



C.R.P.No.1473 of 2019

E.P.No.205 of 1985.

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2.Heard Mr.S.Sundaresan, learned counsel for the petitioner and Mrs.D.Sujatha, learned counsel for the respondent.

3.The learned counsel for the petitioner submitted that the respondent had obtained a decree in O.S.No.878/1982 and took steps to amend the schedule of properties in Executive Petition after nearly 30 years and thereby, the petitioner was aggrieved and hence, he had sought for the stay of the execution proceedings during the pendency of the appeal.

4.In the considered view of this Court, there is no need for this Court to go into the merits of the case since it will have a bearing while the Court below decides the appeal pending in A.S.No.54/2018. When this Civil Revision Petition was entertained by this Court, an order of interim stay was granted on 23.04.2019, whereby the proceedings in E.P.No.205 of 1983 was stayed. This interim order was continued from time to time and it was made absolute on 18.03.2020. In view of the same, this interim order shall be continued and it will suffice if the Court below is directed to dispose of the appeal pending in A.S.No.54 of 2018, within a time frame.



C.R.P.No.1473 of 2019

WEB COPY

5.In the light of the above, this Civil Revision Petition is disposed of with a direction to the Sub Court, Poonamallee, to dispose of A.S.No.54 of 2018, within a period of **three months** from the date of receipt of copy of this order. Till the disposal of the appeal, the interim order passed by this Court shall remain in force and it is left open to the Appellate Court to deal with the case on its own merits and in accordance with law. No costs. Consequently, connected civil miscellaneous petition is closed.

09.12.2022

KP
Internet
Index:Yes/No
Speaking Order: Yes/No

To
X Assistant City Civil Judge,
Chennai.



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N.ANAND VENKATESH. J.,

KP

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