



C.R.P.No.2945 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2945 of 2016
and C.M.P.No.14943 of 2016

C.Veni ... Petitioner

Vs

K.Mayilsamy ... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the First Additional District and Sessions Judge, Coimbatore in I.A.No.517 of 2015 in O.S.No.325 of 2014 dated 12.02.2016.

For Petitioner : Mr.K.Nagendra Prasad
for Mr.E.K.Kumaresan

For Respondent : Mr.N.Manokaran



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ORDER

This Civil Revision Petition has filed against the order passed in I.A.No.517 of 2015 in O.S.No.325 of 2014 dated 12.02.2016 on the file of the First Additional District and Sessions Judge, Coimbatore, thereby dismissed the petition filed under Section 10 and 151 of CPC to stay all further proceedings of the suit in O.S.No.325 of 2014.

2. The petitioner is the sixth defendant in the suit filed by the respondent for partition in O.S.No.325 of 2014. Already, the respondent filed a suit for partition in O.S.No.1057 of 2001 on the file of the III Additional Sub Court, Coimbatore, in respect of the very same property. The said suit was decreed. Aggrieved by the same, the defendants filed an Appeal Suit and the Appeal Suit was dismissed and aggrieved by the same they also preferred second appeal in S.A.No.956 of 2011. This Court allowed the appeal and dismissed the suit filed by the respondent for partition. Aggrieved by the same, the respondent filed Special Leave Petitions and the Special Leave Petitions are still pending on the file of the



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Hon'ble Supreme Court of India in SLP.Nos.3946 and 3947 of 2013.

Pending the Special Leave Petitions, again the respondent filed a present suit in O.S.No.325 of 2014 for partition in respect of very same property. Hence, the petitioner filed an application under Section 10 r/w 151 CPC to stay all further proceedings of the suit, till the disposal of the Special Leave Petitions. However, the Trial Court dismissed the same and aggrieved by the same, the present revision.

3. It is seen that this Court also granted interim stay and now the Special Leave Petitions are pending before the Hon'ble Supreme Court of India.

4. In view of the above, the Trial Court is directed to stay all the further proceedings in O.S.No.325 of 2014, till the disposal of the Special Leave Petitions in SLP.Nos.3946 and 3947 of 2013, on the file of the Hon'ble Supreme Court of India.



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5. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

09.12.2022

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To

1. The First Additional District and Sessions Judge, Coimbatore.

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



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G.K.ILANTHIRAIYAN.J,

mn

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