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C.R.P.(NPD).No.1758 of 2022 and
C.M.P.No.8842 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(NPD).No.1758 of 2022 and
C.M.P.No.8842 of 2022

Mani

... Petitioner

Vs.

1.P.Yuvarajan

2.Shanmugam

3.Gandeepan

4.Murugan

5.The Tahsildar,
Uthiramerur Taluk Office,
Uthiramerur.

6.State rep. by
The District Collector,
Kancheepuram District.

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., to direct the District Munsif Court-cum-Judicial Magistrate, Uthiramerur, to terminate the execution proceedings in E.P.No.2 of 2020 in O.S.No.45 of 2014, pending on the file of District Munsif Court-cum-Judicial Magistrate,



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Uthiramerur, as premature, in view of the pendency of A.S.No.16 of 2021,
pending on the file of Additional Sub Court, Kanchipuram.

For Petitioner : Mr.M.Kalyanasundaram, Sr. Counsel for
Mr.S.Ponjeganathan

ORDER

This civil revision petition has been filed to direct the District Munsif Court-cum-Judicial Magistrate, Uthiramerur, to terminate the execution proceedings in E.P.No.2 of 2020 in O.S.No.45 of 2014, pending on the file of District Munsif Court-cum-Judicial Magistrate, Uthiramerur, as prematured, in view of the pendency of A.S.No.16 of 2021, pending on the file of Additional Sub Court, Kanchipuram.

2. Heard the learned senior counsel for the petitioner.

3. The petitioner is the judgment debtor / first defendant. The first respondent is the decree holder / plaintiff. Aggrieved over the judgment of the Trial Court passed in O.S.No.45 of 2014, the petitioner has preferred an appeal before the Sub Court, kanchipuram and the same is pending in A.S.No.16 of 2021.

4. The learned senior counsel for the petitioner submitted that in view



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of the pendency of the first appeal, the execution proceedings pending before the District Munsif Sessions Judge, Uthiramerur, should be terminated.

5. It is seen from the records that despite the first appeal is pending, there is no order of stay. Under such circumstances, the execution petition cannot be allowed to be terminated due to the pendency of the first appeal. However, in the interest of justice, the execution petition can be kept pending till the disposal of the first appeal. Accordingly, the District Munsif Sessions Judge, Uthiramerur, is directed to keep the execution petition pending till the disposal of the first appeal.

6. This civil revision petition stands disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking / Non Speaking Order
gsk



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R.N.MANJULA, J

gsk

To

- 1.The Tahsildar,
Uthiramerur Taluk Office,
Uthiramerur.
- 2.The District Collector,
Kancheepuram District.
- 3.The District Munsif Court-cum-Judicial Magistrate,
Uthiramerur.
- 4.The Additional Sub Court, Kanchipuram.

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