



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 165 of 2022 and
CMP(MD).No. 705 of 2022

Palanichamy .. Petitioner/Respondent/Defendant

Vs.

Sumathi .. Respondent/Petitioner/Plaintiff

Prayer: This Civil Revision Petition is filed under Section 115 CPC against the docket order dated 21.10.2021 made in E.P.No.157 of 2008 in O.S.No.156 of 2002 on the file of the District Munsif Court, Uthamapalayam.

For Petitioner ... Mr.A. Arumugam
For respondent ... No appearance

ORDER

Head the learned counsel appearing the petitioner. Even though the name of the respondent printed in the cause list, no body has appeared.

2. The revision petitioner / defendant filed this revision to set aside the docket order, dated 21.10.2021 made in E.P.No.157 of 2008 in O.S.No.156 of 2002 on the file of the District Munsif Court, Uthamapalayam.

3. After discussing the fact that the decree is for mandatory injunction, this Court by order dated 31.10.2022 has granted interim stay of all further proceedings in E.P.No.157 of 2008 in O.S.No.156 of 2002 on the file of the District Munsif Court, Uthamapalayam, till the disposal of the Second Appeal in S.A(MD). No. 646 of 2012.

4. As per the Judgment reported in 2019(6) CTC 337 (Fazalullah Khan Vs. M. Akbar and others), the Hon'ble Supreme Court has held that if the interim order granted by this Court is not vacated and continues beyond a period of 6 months by reason of pendency of the Appeal, it cannot be said that the interim order would automatically stand vacated.



5. In this case, the decree is for mandatory injunction. Since this Court has granted absolute stay in Second Appeal, the Executing Court is directed not to proceed with the proceedings in E.P.No.157 of 2008 in O.S.No.156 of 2002 on the file of the District Munsif Court, Uthamapalayam, till the disposal of the Second Appeal.

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6. With the above observation, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The District Munsif Court,
Uthamapalayam.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12053[F] dated 15/03/2022)

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MGJ(24.03.2022) 2P 3C