



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 31 of 2022 and
CMP(MD).No.156 of 2022

Tmt. Marikannu (Died)

- 1.Sundarammal
- 2.Rajalakshmi
- 3.Kamalaveni
- 4.Vetriselvi
- 5.Sornalakshmi
- 6.G.Kannagi

.. Petitioners/Petitioners / Respondents
2 to 7/Legal Heir of the sole
defendant

Vs.

- 1.Jennath Beevi
2. Matheena Begam
- 3.Syed Rafia

.. Respondents/Respondents /
Petitioners/Plaintiffs

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in E.P.No.58 of 2018 in O.S.No.56 of 2011, dated 17.12.2021 on the file of the District Munsif Court, Palani.

For Petitioner : Mr. M. Ponniah
For R1 to R3 : Mr. T. Lenin kumar

ORDER

The revision petitioner / defendant filed this revision to set aside the order, dated 17.12.2021 made in E.P.No.58 of 2018 in O.S.No.56 of 2011, on the file of the District Munsif Court, Palani.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. The said suit in O.S.No.56 of 2011 was decreed on 11.06.2018. Immediately, the revision petitioner / defendant has filed a first appeal in A.S.No.53 of 2018 and in that appeal, the revision petitioner has not obtained any stay order. The father of the petitioner died on 28.01.2019, but, he filed a petition to implead the LRs only in the year 2021. Since, the Execution Petition is pending for delivery of possession from the year 2018, the application in E.A.No.3 of 2021 has been filed by the petitioner



for stay of the proceedings in the year 2021.

4. The petitioner has not filed LR application within the time and he has not obtained stay in the appeal. Now, the present revision is filed by the petitioner for stay of Execution Proceedings. When, there is a valid decree against the revision petitioner, he cannot approach the Court to stay the Execution Proceedings.

5. So, the Civil Revision Petition is dismissed by confirming the order, dated 17.12.2021 made in E.P.No.58 of 2018 in O.S.No.56 of 2011, on the file of the District Munsif Court, Palani. Since the appeal suit in A.S.No.53 of 2018 is pending from the year, 2018, the Subordinate Judge, Palani is directed to dispose of the same within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Munsif Court, Palani.

2.The Subordinate Judge, Palani

Copy to

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-17293[F] dated 07/04/2022)

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SRR(CO)

KB(21.04.2022) 2P 6C