



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

WEB COPY

C.R.P(MD) .No.77 of 2022

and

C.M.P(MD)No.397 of 2022

Morish

... Petitioner/Petitioner/
defendant

Vs.

Sivaramalingam

... Respondent/Respondent/plaintiff

PRAYER : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order, dated 19.11.2021 passed in E.A.No.2 of 2020 in E.P.No.14 of 2018 in O.S.No.249 of 2011 on the file of the I Additional Sub Court, Nagercoil by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Vashik Ali

For Respondent : No Appearance

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 19.11.2021 passed in E.A.No.2 of 2020 in E.P.No.14 of 2018 in O.S.No.249 of 2011 on the file of the I Additional Sub Court, Nagercoil.

2.The said E.A.No.2 of 2020 in E.P.No.14 of 2018 was filed by the revision petitioner/defendant under Order 21 Rule 59, 64 and Section 151 of Civil Procedure Code, to stay the sale proceedings in E.P.No.14 of 2018, which was dismissed by the learned Additional Sub Judge, Nagercoil. The respondent/plaintiff has filed a suit in O.S.No.249 of 2011 before the said Court for the relief of recovery of money, which was decreed ex-parte on 25.07.2017. Thereafter, the revision petitioner/plaintiff has filed an application to set-aside the ex-parte decree with condone delay petition in I.A.No.1 of 2019 in O.S.No.249 of 2011 and the same is still pending.

3. Without disposing I.A.No.1 of 2019, this Court cannot proceed with E.P. proceedings. Therefore, it is necessary to dispose the said I.A.No.1 of 2019 before E.P. proceedings.



4. In view of the above, the learned I Additional Sub Judge, Nagercoil, is directed to dispose I.A.No.1 of 2019 in O.S.No.249 of 2011, within a period of one month from the date of receipt of a copy of this order. Till then, E.P. proceedings is stayed.

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5. With the above direction, the Civil Revision Petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The I Additional Sub Judge,
Nagercoil.

2. The Section Officer,
V.R. Records,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1cc to Mr.R.Murugan, Advocate Sr.No.6295

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