



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.190 of 2022 &

CMP(MD)No.822 of 2022

WEB COPY

Shanmuga Sundara Thevar

... Petitioner/Petitioner/
Appellant

Vs.

Abul Kalam

... Respondent/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.11.2021 in IA.No.1 of 2021 in AS.No.167 of 2020 on the file of the Sub Court, Nanguneri.

For Petitioner : Mr.V.Sasi Kumar

For Respondent : No Appearance

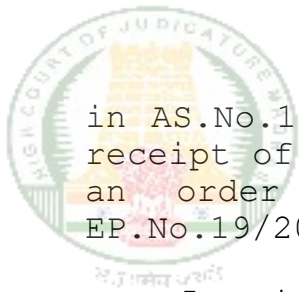
ORDER

The revision petition is filed to set aside the order dated 24.11.2021 in IA.No.1 of 2021 in AS.No.167 of 2020 on the file of the Sub Court, Nanguneri.

2. The petitioner / defendant filed IA.No.1 of 2021 in AS.No.167 of 2020 under Order 41 Rule 5 of CPC to stay the execution of Judgment and decree in OS.No.43/2004 till the disposal of the Appeal Suit. The learned Sub Judge, Nanguneri dismissed the said petition on the ground that the petition was not filed along with the appeal and it was filed after a long delay. Challenging the said order, the present petition is filed.

3. Heard the learned counsel for the petitioner and perused the materials on record.

4. In the Execution Petition filed by the respondent / defendant in EP.No.19 of 2018, delivery was ordered on 21.12.2021. The Appeal Suit was filed in the year 2020 and the Interlocutory Application was filed in the year 2021. In the Appeal Suit, both side arguments were heard, Judgment was Reserved on 03.12.2021 and posted for Judgment on 17.12.2021. Thereafter, the Appeal Suit was adjourned for many hearings. Therefore, this Court is inclined to



in AS.No.167 of 2020 within a period of one month from the date of receipt of a copy of this order. Till such disposal, there shall be an order of interim stay in the execution proceedings in EP.No.19/2018 on the file of the District Munsif Court, Nanguneri.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge, Nanguneri.

2.The District Munsif, Nanguneri.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-4892[F] dated 08/02/2022)

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