



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 1639 of 2021 and
CMP(MD).No.8890 of 2021

1.Subburaj
2.Rajappan
3.Ponraj Chettiyar

.. Petitioners / Respondents/
Defendants

Vs.

1.Palanivel
2.Muruganantham

.. Respondents/Petitioners/
Plaintiffs

Prayer: This Civil Revision Petition is filed under Section 115 CPC to set aside the petition in Order dated 22.09.2021 passed in E.P.No.9 of 2018 in O.S.No.77 of 2014 by the District Munsif Court, Theni.

For Petitioners ... M/s. K. Prabu

For respondent .. No appearance

ORDER

The revision petitioners / defendants filed this revision against the petition order, dated 22.09.2021 passed in E.P.No.9 of 2018 in O.S.No.77 of 2014 on the file of the District Munsif Court, Theni.

2. Heard the learned counsel appearing for the petitioners. Though notice served on the respondents, nobody has appeared on behalf of the respondents.

3. The suit was decreed for mandatory injunction to remove staircase in the pathway. Against which, the revision petitioner filed Appeal suit in A.S.No.26 of 2018, which is still pending. Now, the respondents / plaintiffs have filed Execution Petition to remove the staircase. Since the appeal suit is pending, the decree cannot be executed. However, the Execution proceeding is to be kept in abeyance till the disposal of the appeal suit.



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CRP(MD).No. 1639 of 2021 and

4. With the above observation, the Civil Revision is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The the District Munsif, Theni.

+1 CC to M/s.K.PRABHU, Advocate (SR-11289[F] dated 10/03/2022)

**CRP(MD) .No. 1639 of 2021 and
CMP(MD) .No.8890 of 2021
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_RD(24.03.2022) 2P 3C