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CRP (MD) No.1887 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP (MD) No.1887 of 2022

and

CMP (MD) No.8460 of 2022

D.Deepalakshmi

... Petitioner

Vs

Chinnakalai

... Respondent

PRAYER: Civil Revision Petitions are filed under Section 115 of CPC, to set aside the order dated 10.08.2022 made in EP.No.67 of 2022 in OS.No.275 of 2020 on the file of the Additional District Judge, Dindigul.

For Petitioner : Mr.R.Ramadurai

For Respondent : Mr.P.Muthuvel

ORDER

This Civil Revision Petition is filed as against the order dated 10.08.2022 made in EP.No.67 of 2022 in OS.No.275 of 2020 by the learned Additional District Judge, Dindigul.



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2.The learned Counsel for the petitioner submits that the petitioner was set *ex-parte* on 23.11.2021 in OS.No.275 of 2020 and he has filed the application to set aside the *ex-parte* decree on 27.06.2022 with a delay of 176 days in IA.No.2 of 2022 and the same is pending. In the meantime the respondent/ plaintiff has filed the execution petition in EP.No.67 of 2022 and if any order is passed in the execution proceedings his rights would be affected.

3.The learned Counsel for the respondent submits that the respondent filed the execution petition as early as on 20.04.2022 and the same was also ordered on 10.08.2022. The petitioner has entered appearance in the execution petition and also filed his counter affidavit.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The respondent / plaintiff filed a suit for specific performance and the suit was decreed *ex-parte* on 23.11.2021 and the petitioner has filed an application to set aside



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the ex-parte order, which is pending in IA.No.2 of 2022.

In view of the above, the trial Court is directed to dispose of the application in IA.No.2 of 2022 in OS.No.275 of 2020 within a period of eight weeks from the date of receipt of a copy of this order. **Pending disposal of IA.No.2 of 2022, the proceedings in EP.No.67 of 2022 is stayed.**

6.The Civil Revision Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

09.11.2022

dsk

To

The Additional District Judge,
Dindigul.



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B. PUGALENDHI, J.

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