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C.R.P.No.1348 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

**C.R.P.No.1348 of 2023
and
C.M.P.No.9069 of 2023**

S.Manonmani

... Petitioner

Vs.

1.D.Mohanraj
M.Sadasivam (Died)
M.Nithiyanandham (Died)
2.N.Mangaiyarkkarasi
Respondents

...

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the Docket order passed in E.P.No.22 of 2021 in O.S.No.111 of 2010 on the file of the Subordinate Judge of Pollachi, Coimbatore District dated 07.02.2023.

For Petitioner

: Mr.M.Saravanakumar

ORDER

This revision petition is filed, questioning the orders passed by the execution Court in E.P.No.22 of 2021 in O.S.No.111 of 2010 dated



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07.02.2023, directing the execution of the registered sale deed as per the terms of the decree passed in O.S.No.111 of 2010 on 04.01.2020. On perusal of entire records and on hearing the petitioner, it is clear that the petitioner has approached this Court challenging the orders passed by the Execution Court dated 07.02.2023 which are in pursuance of decree passed in O.S.No.111 of 2010. This Court did not find any infirmity or irregularity while passing the orders on 07.02.2023 in E.P.No.22 of 2021 in O.S.No.111 of 2010.

2. Learned counsel for the petitioner submits that aggrieved by the passing of the contesting decree in O.S.No.111 of 2010 dated 04.01.2020, the petitioner preferred an Appeal in A.S.No.35115 of 2022 and the same is pending as the delay in filing the Appeal is yet to be condoned. It is submitted that notices were ordered to the respondents in the delay condonation petition.

3. The petitioner should have filed an application seeking stay of execution of decree in O.S.No.111 of 2010 dated 04.01.2020 before the Appellate Court along with the Appeal. However, he did not choose to file



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any application. Instead, he approached this Court directly, challenging the orders passed by the Execution Court. Considering the circumstance that remedy for the petitioner is available before the Appellate Court and not before this Court, this revision petition is dismissed with a liberty to the petitioner to approach the Appellate Court to file an appropriate application. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

19.06.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
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To

1. The Subordinate Judge of Pollachi, Coimbatore District.
2. The Section Officer,
V.R.Section, High Court of Madras.



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Dr.D.NAGARJUN, J.

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