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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

**C.R.P.(NPD).No.3666 of 2019
and C.M.P.No.24081 of 2019**

N. Kannan

... Petitioner

Vs.

N. Sekar (died)

1. Vimala

2. Nadiya

3. Nalini

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the petition and docket dated 24.09.2019 in E.P.No.75 of 2018 in O.S.No.922 of 2004 on the file of the Additional District Munsif Court, Vellore by allowing the above revision.

For Petitioner : Mr.B. Lenin Balu

For Respondents : Mr.P.Jagadeesan

ORDER

The present civil revision petition has been filed to set aside the petition and docket dated 24.09.2019 in E.P.No.75 of 2018 in



O.S.No.922 of 2004 on the file of the Additional District Munsif Court, Vellore.

2. The learned counsel for the petitioner submitted that one Sekar (since deceased) filed a suit for specific performance and the same was decreed. Subsequently, the plaintiff died and his legal heirs viz., wife and daughters filed the execution petition for executing the sale deed. Even prior to the filing of execution petition, the petitioner herein filed A.S.No.33 of 2013 before the 1st Additional District Court, Vellore and the same was dismissed for default on 03.12.2015. Therefore, I.A.No.1 of 2023 has been filed before the 1st Additional District Court, Vellore for restoration of A.S.No.33 of 2013 and the same is pending. Hence he prayed this Court to direct the trial Court to dispose of the same as expeditiously as possible.

3. Having regard to the submissions made by the learned counsel for the petitioner and taking into consideration the prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the learned 1st Additional District Judge,



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Vellore to dispose of the I.A.No.1 of 2023 within a period of three months from the date of receipt of a copy of this order. Further, in the meantime, the learned Additional District Munsif, Vellore is directed not to pass any orders in E.P.No.75 of 2018 till the disposal of I.A.No.1 of 2023.

4. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Index : No
Internet : Yes
dpq

12.10.2023

To

1. The Additional District Court,
Vellore

2. The Additional District Munsif Court,
Vellore



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J. SATHYA NARAYANA PRASAD, J.

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