



WEB COPY



CRP No. 4814 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED :15.12.2023

CORAM :

**THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI**

Civil Revision Petition No.4814 of 2023  
and  
CMP.No.28577 of 2023

Vanitha

... Petitioner

Versus

Kavitha

... Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and final order dated 27.11.2023, made in REA.No.3 of 2023 in REP.No.31 of 2023 in O.S.No.93 of 2015, passed by the learned Subordinate Judge, Rasipuram.

For Petitioner : Mr. B.Jawahar

For Respondent : Mr.R.Harikrishnan

**ORDER**

The petitioner has filed this petition to set aside the fair and final order dated 27.11.2023, made in REA.No.3 of 2023 in REP.No.31 of 2023 in O.S.No.93 of 2015, passed by the learned Subordinate Judge, Rasipuram.



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WEB COPY 2. Heard Mr. B.Jawahar, the learned counsel for the petitioner and Mr.R.Harikrishnan, the learned counsel appearing for the respondent and perused the materials available on record.

3. Before the trial Court the petitioner has filed an application to set aside the ex-parte decree passed against her and the same was dismissed. Aggrieved that the revision has been preferred. Immediately, after disposing of the ex-parte order within a period of three days, the petitioner has filed an application, but the Executing Court without considering the same erroneously dismissed the application. However, the petitioner also filed A.S.No.33 of 2023 and the same is pending before the Appellate Court.

4. Till the disposal of the appeal, the Executing Proceedings are ordered to be stayed. Hence, the findings rendered by the Executing Court are set aside.

5. The learned trial Judge is directed to dispose of the REP afresh, after giving opportunity to both the parties, within a period of four months from the date of receipt of a copy of this order.



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**WEB COPY** 6. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

**13.12.2023**

Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation:Yes/No

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To

1. The Subordinate Judge, Udumalpet.
2. The Section Officer,  
VR-Section, High Court of Madras.



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**T.V.THAMILSELVI, J.**

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