



C.R.P(MD)No.625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.625 of 2023
and
C.M.P.(MD)No.2906 of 2023

A.Nagoor Ammal

.. Petitioner

Versus

M.Miyakkani

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, against the order dated 27.02.2023, made in E.A.No.1 of 2023 in E.P.No.52 of 2022 in O.S.No.29 of 2020, on the file of the Sub-Court, Periyakulam.

For Petitioner

:

Mr.H.Velavadhas

ORDER

This Civil Revision Petition has been filed against the order dated 27.02.2023, made in E.A.No.1 of 2023 in E.P.No.52 of 2022 in O.S.No.29 of 2020, on the file of the Sub-Court, Periyakulam.

2. The petitioner herein, who is the judgment debtor in O.S.No.29 of 2020, on the file of the Sub-Court, Periyakulam, has filed E.A.No.1 of 2023 in E.P.No.52 of 2022 in O.S.No.29 of 2020. The said E.A.No.1 of 2023 has been



C.R.P(MD)No.625 of 2023

filed to stay the operation of further proceedings in E.P.No.52 of 2022 filed by the respondent.

3. The specific case of the petitioner is that against the judgment and decree of the trial Court, dated 25.08.2022, made in O.S.No.29 of 2020, he has filed an appeal together with a petition, seeking to condone the delay of 136 days and the same has been numbered as I.A.No.1 of 2023 in A.S.SR.No.199 of 2023, on the file of the District Court, Theni. It is submitted that in I.A.No.1 of 2023 in A.S.SR.No.199 of 2023, notice was ordered on the contesting respondent herein [decree holder] on 15.02.2023 returnable by 23.03.2023. Meanwhile, the proceedings are being conducted in a hurry in E.P.No.52 of 2022, on the file of the Sub-Court, Periyakulam. It is submitted that the impugned order, asking the petitioner to approach the appellate Court in terms of the decision of this Court in **G.Arumugam vs. P.Jeyaraman** reported in **2014 (1) CTC 246** cannot be complied with, unless the appeal is numbered. It is submitted that if the stay is not granted, the property will be sold.

4. Considering aforesaid facts and circumstances of the case, there shall be an order of interim stay of all further proceedings in E.P.No.52 of 2022 in O.S.No.29 of 2020, on the file of the Sub-Court, Periyakulam, upto 23.03.2023. It is open for the petitioner to urge for interim orders before the District Court, Theni, by the aforesaid date.



C.R.P(MD)No.625 of 2023

5. This Civil Revision Petition stands disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

06.03.2023

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 06.03.2023

To

The Sub-Judge,
Periyakulam.



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C.R.P(MD)No.625 of 2023

C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.625 of 2023

06.03.2023