



C.R.P(MD)No.1309 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1309 of 2023

and

C.M.P(MD)Nos.6492 and 6493 of 2023

1.Suseela

2.Ramasamy

...Petitioners/Petitioners/
Defendants 1 and 2

Vs.

S.Annadurai

...Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the entire proceedings of E.P.No.13 of 2022 in O.S.No.65 of 2013 on the file of the learned Principal District Munsif Court, Karur.

For Petitioner : Mr.M.S.Jeyakarthik

ORDER

The present Civil Revision Petition has been filed to strike off the entire proceedings of E.P.No.13 of 2022 in O.S.No.65 of 2013 on the file of the learned Principal District Munsif Court, Karur.



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2. The petitioners are the unsuccessful defendants in O.S.No.65 of 2013 before the Principal District Munsif Court, Karur. The suit was filed by the respondent herein against the petitioners and other official parties for declaration and mandatory injunction.

3. The suit was decreed in favour of the respondent/plaintiff on 23.12.2021. In the said suit, the respondent/plaintiff initiated an execution proceeding in E.P.No.13 of 2023. Meanwhile, the petitioners have filed an appeal before the Principal District Court, Karur, which has been received/acknowledged vide A.S.SR.No.522 of 2023. Interlocutory application filed for condoning the delay in filing the appeal is yet to be numbered. The petitioners seek for intervention stating that the counsel, who was engaged by the petitioners before the Principal District Court, Karur passed away after filing the application.

4. Though the arguments advanced on merits, the scope of the interference is limited, this Court is not inclined to entertain the same. The petitioners should workout the remedy for relief whether interim or final only before the appellate Court by ensuring that the application for



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condoning the delay in filing the appeal is numbered and taken up and thereafter, the appeal is numbered.

5. This Court cannot permit the petitioner to by pass the appellate proceedings in the present Civil Revision Petition. The present Civil Revision Petition also cannot be allowed to be used as a tool to strangle the execution proceedings in E.P.No.13 of 2023 initiated by the respondent pursuant to the judgment and decree dated 23.12.2021 in O.S.No.65 of 2013.

6. The Principal District Court, Karur may number the I.A. in appeal in A.S.SR.No.522 of 2023 as expeditiously as possible preferably within a period of four weeks from today and dispose of the same on merits. The Principal District Munsif Court, Karur may therefore maintain *status quo* in E.P.No.13 of 2023 for a period of four weeks from today alone.

7. All further orders in E.P.No.13 of 2023 shall be subject to any favourable order that may be secured by the petitioner in the appeal and interlocutory application that may be filed and numbered. It is made clear



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that in case the petitioner fails to obtain any interim order from the appellate Court, the Principal District Munsif Court, Karur shall free to proceed with the execution proceeding after the expiry of four weeks from today.

8. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 06.06.2023.

To

- 1.The Principal District Munsif Court,
Karur.
- 2.The Principal District Court,
Karur.
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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