



C.R.P.(MD) No.1946 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1946 of 2023

Nagarajan

... Petitioner

Vs.

1.M.V.P.Mariyappan

2.M.A.Murugan

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional District Judge No.1, Thoothukudi to dispose the I.A.No.1 of 2022 in A.S.No.28 of 2022 in a time bound manner as fixed by this Court.

For Petitioner : Mr.V.Selvakumar

ORDER

This Civil Revision Petition has been filed by the petitioner for speedy disposal of I.A.No.1 of 2022 in A.S.No.28 of 2022 on the file of the Additional District Court No-1, Thoothukudi.



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2. Since this Civil Revision Petition filed by the petitioner is only for speedy disposal of I.A., notice for the respondents is not required and is therefore dispensed with.

3. According to the petitioner, the first respondent/plaintiff filed O.S.No. 399 of 2015 before the Subordinate Court, Thoothukudi for recovery of amount of Rs.6,40,560/- (including the interest) from the petitioner/first defendant which was decreed on 09.09.2021, against which, the petitioner/first defendant filed an appeal before the Principal District Court, Thoothukudi in A.S.No.28 of 2022 along with I.A.No.1 of 2022 for interim stay of operation of the decree dated 09.09.2021 passed in O.S.No.399 of 2015 pending disposal of the appeal. The said appeal was made over to the Additional District Court No. 1, Thoothukudi.

4. It is submitted that both the appeal and the I.A. are pending. The learned counsel for the petitioner would submit that the learned Additional District Judge No.1 failed to decide the I.A. in a time bound manner and is simply adjourning the matter without any valid reasons.



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5. It is further submitted that since the I.A. filed for interim injunction is not disposed of, the first respondent/plaintiff filed E.P.No.81 of 2021 in O.S.No.399 of 2015 for execution of the decree and therefore, the I.A. filed by the petitioner/first defendant along with the appeal ought to have been considered by the learned Additional District Judge No.1, Thoothukudi, otherwise, rights of the petitioner/first defendant cannot be protected. Therefore, the petitioner/first defendant was constrained to file this Civil Revision Petition for early disposal of I.A. filed by him for an interim stay.

6. On perusal of the records and considering the facts and the circumstances of the case, the learned Additional District Judge No.1, Thoothukudi is directed to dispose I.A.No.1 of 2022 in A.S.No.28 of 2022, without giving any unnecessary adjournments, expeditiously, within a period of 1 Month from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. No cost.

09.08.2023

Index : Yes/No

NCC : Yes/No

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Issue Order Copy on 17.08.2023



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K.GOVINDARAJAN THILAKAVADI, J.

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To

Additional District Judge No.1,
Thoothukudi.

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