



CMP(MD) No.10273 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice K. GOVINDARAJAN THILAKAVADI

CMP(MD) No.10273 of 2023

in

CRP(MD) No.1518 of 2023

M.ANGAN

... Petitioner / Petitioner / Revision Petitioner

Vs

KALAIVANI

... Respondent / Respondent / Respondent

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to restore the stay petition in CMP(MD). No. 7478 of 2023 in CRP(MD). No. 1518 of 2023 on dated 18.07.2023 on the file of Subordinate Court, Uthamapalayam.

Prayer in CMP(MD). 7478/ 2023 :

To interim stay of all further proceeding in E.P.No.51 of 2019 in O.S.No.44 of 2016 on the file of the Subordinate Judge, Uthamapalayam, pending disposal of the main civil revision petition.

Prayer in CRP(MD). 1518/ 2023 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 07-07-2022 passed in I.A.No.109 of 2021 in O.S.No.44 of 2016 on the file of Subordinate Judge, Uthamapalayam by allowing this civil revision petition.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.ANANDHAKUMAR, Advocate for the petitioner, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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This application is filed to restore the stay petition in C.M.P(MD)No.7478 of 2023 in C.R.P(MD)No.1518 of 2023 dated 18.07.2023 on the file of the Subordinate Court, Uthamapalayam.

2.The learned counsel appearing for the petitioner would submit that by order dated 13.06.2023, this Court granted an interim relief to the petitioner by ordering stay of all further proceedings in E.P.No.51 of 2019 in O.S.No.44 of 2016 on the file of the Sub-Court, Uthamapalayam, for a period of six weeks from the date of order subject to the petitioner depositing a sum of Rs.10,00,000/- in two installments, to prove his bonafide. The learned counsel further submitted that the first installment shall be paid within a period of five weeks from the date of order and the balance amount shall be paid within a period of four weeks hereafter. Therefore, the compliance of the order is extended to 31.08.2023, but, this Court in its order dated 18.07.2023, inadvertently dismissed the said petition stating that the order dated 30.06.2023 was not complied with. Hence, he was constrained to filed the above petition to restore the stay petition.

3.On perusal of the records, it is seen that the stay petition was inadvertently dismissed on 18.07.2023, though in the order passed by this Court in C.M.P(MD) No.7478 of 2023 in C.R.P(MD)No.1518 of 2023, time for compliance is available till 31.08.2023.



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4. In such circumstances, the order passed by this Court on 18.07.2023 is set aside and the petition in C.M.P(MD)No.7478 of 2023 is restored to file.

5. List the main Civil Revision Petition for hearing on 04.09.2023.

sd/-
16/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS

To

The Subordinate Judge,
Uthamapalayam.

+1 CC to M/s.S.ANANDHAKUMAR, Advocate (SR-12465[I] dated 18/08/2023)

ORDER
IN
CMP(MD) No.10273 of 2023
in
CRP(MD) No.1518 of 2023
Date :16/08/2023

ED/VR/SAR- (23/08/2023) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023