



CMP(MD) No.10645 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Third day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD). No.10645 & 10646 of 2017
in
CRP(MD)No.1705 of 2017

1.V.S.P.Sivan
2.V.S.P.Balashanmugam
3.V.S.P.Murugan
4.Muthurakku
5.Sundaravalli,
6.Panchavarnam

... Petitioners/Respondents 13 to 18

Vs

Gowri Vallavan Servai (Died)

1. Balashanmugam
2 Muthurakku
3 Suriyagandhi
4 Annamalai
5 Sivalingam
6 Muthuramalingam
V.Subramanian servai (Died)
7 Ramachandran

... Respondents 1- 6 /Petitioners

8 K.Krishnammal

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



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9 K.Saradhamaniammal
S.Kasi servai (Died)

10 Kothaiammal

11 Pushparajamani

12 A.Visalatchi

13 A.Andisamy

14 A.Ganapathy

15 A.Mohan

16 A.Lakshmi

17 A.Maliga

18.A.Selvi ... Respondents 7 – 18 / Respondents 1 - 12

Prayer :-CMP(MD). No.10645 of 2017

Petition filed under section 151 of C.P.C. Pleaded to stay all further proceedings in the execution petition E.P.No.1 of 2014 in O.S.No.321 of 1992 on the file of District Musnif, Sivagangai pending disposal of the SA.No.261 of 1997 and thus render justice.

Prayer :-CMP(MD). No.10646 of 2017

Petition filed under section 151 of C.P.C. Pleaded to recall the order in the CRP

<https://www.hcj.org.in/> No.1705 of 2017 dated 24.10.2017 and thus render justice.



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Prayer in CRP(MD)1705 OF 2017

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Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Learned District Munsif, Sivagangai to expedite the proceedings and pass orders in E.P.No.1 of 2014 in O.S. No.321 of 1982 within a time frame as fixed by this court.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Ramesh, Advocate for the Petitioner and of Respondents not appeared either in person or by an Advocate this Court made the following order:

The above petitions are filed (i) to stay all further proceedings in the Execution Petition in E.P.No.1 of 2014 in O.S.No.321/1992 on the file of District Munsif, Sivagangai, pending disposal of S.A.No.261 of 1997. (ii) to recall the order in CRP.No.1705 of 2017 dated 24.10.2017.

2. The order passed in CRP.No.1705 of 2017 dated 24.10.2017 would go to show that this court directed the learned Judge, Executing court to dispose of the Execution Petition on merits. It is also observed in the said order that the respondents/petitioners in this CMP, are prolonging the matter and the matter is



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pending for nearly 2 decades. However, this CMP is filed with the above said prayer.

3. A perusal of records would go to show that S.A.No.261 of 1997 was initially dismissed for non-prosecution on 14.03.2017 and subsequently restored to file on 31.10.2017 vide order passed in CMP.(MD).No.5135 of 2017 and thereafter, Second Appeal was dismissed on merits on 28.02.2018.

4. Registry note by going through E courts website stated that E.P.No.1 of 2014 on the file of District Munsif Court, Sivagangai has also been disposed of / terminated on 03.08.2021, itself.

5. In the light of the above, nothing survives for adjudication in the above CMPs. Accordingly, CMPs are dismissed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)



CMP(MD) No.10645 of 2017

TO

The District Munsif
Sivagangai.

ORDER DATED : 03/02/2023

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ORDER

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CMP(MD). No.10645 & 10646 of 2017
in
CRP(MD)No.1705 of 2017

Giving direction and etc.
as stated within.

MK/02.08.2023 5P 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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