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A.No.354 of 2024 in IP.No.127 of 2000

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P.B.BALAJI, J.

1. The present application has been filed by the Insolvent, seeking stay of further proceedings in EP.No.52 of 2015 before the learned Master.
2. The primordial contention of the learned counsel for the applicant is that the applicant continues to remain undischarged insolvent till date and therefore, the execution proceedings cannot be proceeded with before the learned Master. However, the learned Master appears to have passed an order on 06.11.2024, directing the applicant to proceed with the execution petition, while dismissing the application filed by the applicant under Section 47 of CPC.
3. Considering the fact that the applicant remains protected undischarged, the execution proceedings at the instance of the decree holder cannot be proceeded further and a prima facie case is made out for grant of stay. Accordingly, there shall be an order of interim stay, as prayed for, for a period of four weeks.

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02.12.2024



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