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C.R.P.No. 1797 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : **02.09.2024**

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

**C.R.P.No. 1797 of 2024**

**and**

**C.M.P.No.12950 of 2024**

**in**

**C.M.P.No.9479 of 2024**

- 1.P.N.Senthil Natha Gurukkal
- 2.V.Swaminathan
- 3.N.Balaganapathy
- 4.N.Sambamoorthy
- 5.B.Manonmani
- 6.S.Shanthi
- 7.G.Banumathi
- 8.Thenmozhi
- 9.Geetha
- 10.K.Kamalam

...Petitioners

Vs.

- 1.Sri-la-Sri Shanmugha Desika  
Gnanasambanda Paramacharya  
Swamygal Avargal,  
Dharma Adheenam,  
Dharapuram,  
Mayiladuthurai Taluk  
Thanjavur District.

- 2.N.Rangasamy

...Respondents

*[Cause title accepted vide Court order dated 22.04.2024 made in C.M.P.No.9146 of 2024 in CRP.Sr.No.48084 of 2024 by (MNKJ)]*



**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and consequential order of the I Additional District Munsif, Coimbatore passed in E.P.No.118 of 2005 in O.S.No.2346 of 1984 dated 02.04.2024.

For Petitioner : M/s.V.Manohar  
for Mr.A.Ilaya Perumal

For Respondent : Mr.B.Jawahar [for R.1]

### **ORDER**

This Civil Revision Petition has been filed against the order and consequential order of the I Additional District Munsif, Coimbatore passed in E.P.No.118 of 2005 in O.S.No.2346 of 1984 dated 02.04.2024.

2. When the matter is taken up for hearing today, Mr.B.Jawahar, the learned counsel for the 1st respondent in the CRP and the learned counsel for the petitioner in the vacate stay petition would submit that the suit is of the year 1984 and the E.P.No.118 of 2005 was ordered in the year 2010 itself. Pursuant to which the delivery of possession was also ordered. Challenging the same, the revision petitioners had filed E.A.Nos.137 to 141



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of 2014 and the said E.As were dismissed on 08.01.2024. Against, the dismissal of the E.As only a first appeal is maintainable and the C.R.P. before this Court is not maintainable. Therefore, he would seek to vacate the interim stay granted by this Court in C.M.P.No.9479 of 2024 in C.R.P.No.1797 of 2024 dated 26.04.2024. He would also submit that the 1st respondent/decreed holder may be permitted to proceed with the Execution Petition.

3. *Per contra*, M/s.V.Manohar, learned counsel appearing for the revision petitioners would submit that against the order passed in E.A.Nos.137 to 141 of 2014, the petitioners have already preferred first appeals in A.S.Nos.96 to 100 of 2024 before the Sub Court, Coimbatore and the matter is posted for hearing on 25.09.2024. He would submit that the petitioners may be permitted to withdraw this revision petition with the liberty to pursue their remedy before the Appellate Court in A.S.Nos.96 to 100 of 2024. He would also submit that till the disposal of the first appeals in A.S.Nos.96 to 100 of 2024, the 1st respondent/decreed holder may be directed not to proceed with the Execution Petition.

4. Recording the submissions made by both side counsels, the above



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C.R.P. stands disposed of permitting the parties to agitate their rights before the Appellate Court. Consequently, the connected Miscellaneous Petitions are closed. No costs.

**02.09.2024**

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To:-

1. The I Additional District Munsif, Coimbatore.

**A.D.JAGADISH CHANDIRA, J.**

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