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C.R.P.No.3583 of 2024
and C.M.P.No.19416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.3583 of 2024
and C.M.P.No.19416 of 2024

Mahboob Beevi @ Noorjahan

.. Petitioner

Vs.

1.Raziya

2.Pavadai

3.Shajahan

4.Rajubunnissa

5.Piyaribegum

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 15.07.2024 made in E.P.No.35 of 2024 in O.S.No.378 of 2007 on the file of the District Munsif cum Judicial Magistrate, Thiruvannainallur.

For Petitioner : Mr.C.Munusamy

For R1 : Mr.K.Murali



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ORDER

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This Civil Revision Petition has been filed seeking to set aside the order dated 15.07.2024 made in E.P.No.35 of 2024 in O.S.No.378 of 2007 on the file of the District Munsif cum Judicial Magistrate, Thiruvennainallur.

2. According to the petitioner/4th defendant, as against the decree obtained in the suit, she has filed an appeal along with the application to condone the delay of 19 days in filing the appeal and the same is pending before the Sub-Court, Ulundurpet. The 1st respondent/plaintiff has been repeatedly seeking adjournment in the petition to condone the delay in filing the appeal and she is also pressing the execution petition. Hence, the petitioner seeks to stay the execution proceedings.

3. The present Civil Revision Petition itself is not maintainable. When the execution petition has already been filed, it is for



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the petitioner to appear before the Executing Court and proceed with the same. Without challenging the judgment and decree and without obtaining interim stay of the judgment and decree, the petitioner cannot seek interim stay of the execution proceeding in the Civil Revision Petition. As such the Civil Revision Petition is not maintainable.

4. Accordingly, the present Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

08.11.2024

rst
Index : Yes/No
Internet: Yes/No
Speaking/Non-Speaking Order

To:

The District Munsif cum Judicial Magistrate,
Thiruvannainallur.

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N.SATHISH KUMAR, J.

rst

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