



C.R.P.(MD)Nos.22 and 23 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.22 and 23 of 2024
and C.M.P.(MD).Nos.192 and 194 of 2024

Chendu

... Petitioner/Petitioner/
2nd Respondent/2nd Defendant
in both petitions.

Vs.

1.Mariyappan

... 1st Respondent/1st Respondent/
Petitioner/Plaintiff
in both petitions

2.Sudalaimani

... 2nd Respondent/2nd Respondent/
1st Respondent/1st Defendant
in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order passed in E.A.No.2 of 2023 in E.P.No.131 of 2019 in O.S.No.139 of 2014 and E.A.No.6 of 2023 in E.P.No.132 of 2019 in O.S.No.221 of 2014, dated 09.11.2023, on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.M.Jegadeesha Pandian

For Respondent : Mr.K.Rajeswaran



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COMMON ORDER

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Against the dismissal order passed by the execution Court in E.A.No.2 of 2023 in E.P.No.131 of 2019 in O.S.No.139 of 2014 and E.A.No.6 of 2023 in E.P.No.132 of 2019 in O.S.No.221 of 2014 dated 09.11.2023, these revision petitions have been preferred.

2.The grievance of the petitioner is that against the judgment and decree of the trial Court, he filed A.S.No.18 and 20 of 2020 before the District Court, Tirunelveli and now it is pending before the learned III Additional District Judge, Tirunelveli. He filed I.A.No.2 of 2023 in both the appeal suits, to stay the operation of the above said judgments and decrees passed by the trial Court. In the meantime, E.P.Nos.131 and 132 of 2019 have been filed by the respondent herein before the trial Court. Pending the execution proceedings, he filed E.A.Nos.2 and 6 of 2023 to stay the execution proceedings on the ground that appeal suits are already pending before the appellate Court. But, that came to be dismissed by the execution Court stating that since no stay order was passed by the appellate Court, there is no bar for executing the decree. Against which, these revisions are preferred.



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3.The learned counsel for the respondent straight away submitted that now the appeal themselves are ripe for hearing. So direction may be issued to the appellate Court to dispose of the above said appeal suits within a time prescribed. He also given an undertaking that till the disposal of the appeal suits, the respondent will not proceed with the E.P. For which, the learned counsel for the petitioner also agreed. In view of the above said development, there shall be a direction to the learned III Additional District Judge, Tirunelveli, to hear the appeal suits in A.S.Nos.18 and 20 of 2020 pending on his file and dispose the same within a period of two months from the date of receipt of a copy of this order. Till then, the above said undertaking must be complied by the respondent.

4.With the above said directions, these civil revision petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2024

Index : Yes / No
Internet : Yes / No
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To

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- 1.The III Additional District Judge, Tirunelveli.
- 2.The Principal Subordinate Judge, Tirunelveli.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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