



C.R.P(MD).No.170 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.170 of 2024

and

C.M.P(MD)No.715 of 2024

K.Mahamayee

... Petitioner

Vs

S.Muniyandi

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the order in I.A.No.495 of 2023 in A.S.No.36 of 2023 on the file of II Additional Sub Court, Madurai dated 22.11.2023 and to set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.D.Senthil



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ORDER

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This Civil Revision Petition is filed to call for the records of the order in I.A.No.495 of 2023 in A.S.No.36 of 2023 on the file of II Additional Sub Court, Madurai dated 22.11.2023 and to set aside the same and allow this Civil Revision Petition.

2. The said I.A.No.495 of 2023 was filed pending appeal proceedings by this petitioner, seeking stay of the operation of the decree and judgment of the trial Court. On the ground that pending appeal proceedings, if any execution is ordered, the appeal would be affected, the said I.A. petition was filed. The appellate Court has dismissed the petition by stating that no proper reason has been assigned by the petitioner to stay the operation of the judgment and decree.

3. Learned counsel for the petitioner would submit that he is also ready for the speedy disposal of the appeal by the appellate Court.

4. Learned counsel for the respondent also agreed for the speedy disposal. E.P.No.23 of 2023 was filed by the respondent. He also submits that till the disposal of the appeal, he will not press further



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proceedings in the E.P. which is now pending before the Execution Court.

5. In view of the above said submission on both sides, there shall be a direction to the II Additional Sub Court, Madurai to dispose of the main appeal within a period of three months from the date of receipt of a copy of this order. Till then, let the execution proceedings be kept in abeyance. Both the parties may co-operate with the appellate Court to dispose of the appeal.

6. Accordingly, this Civil Revision Petition is disposed of by confirming the order passed by the II Additional Sub Court, Madurai made in I.A.No.495 of 2023 in A.S.No.36 of 2023 dated 22.11.2023. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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G.ILANGO VAN, J.

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To

- 1.The II Additional Sub Court, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
C.R.P(MD) No.170 of 2024

30.01.2024