



C.R.P.(MD)No.312 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.312 of 2024
and C.M.P.(MD).No.1431 of 2024

1.Balaiyan
2.Gandhimathi

... Petitioners/Defendants 1 and 2/
Judgment Debtors 1 & 2

Vs.

1.Shantha (Died)
2.Nivetha

... Respondents 1 & 2/Plaintiffs/
Decree Holders

3.Dheepa
4.Meenambal(Died)
5.P.N.Selvaraj

... Respondents 3 to 5/
Defendants 3 to 5/
Judgment Debtors 3 to 5

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order passed in E.P.No.163 of 2022 in O.S.No.322 of 2010 dated 19.12.2023 on the file of the Additional Sub Court, Thanjavur.

For Petitioner : Mr.G.Thiruvarutselvan



C.R.P.(MD)No.312 of 2024

ORDER

WEB COPY

This revision petition has been filed against the order passed in E.P.No.163 of 2022 in O.S.No.322 of 2010 dated 19.12.2023 on the file of the Additional Sub Court, Thanjavur.

2.This petition has been filed expressing the grievance that against the judgment and decree passed by the trial Court in O.S.No.322 of 2010, dated 27.02.2019, the petitioners preferred an appeal before the Principal District Court, Thanjavur. Even though the appeal memorandum was filed in time, it was returned due to some defects. But delay occurred in representing the same. Hence, they filed a petition in I.A.No.1 of 2024 in A.S.No.sr9579 of 2019 to condone the representation delay.

3.Pending the above said process, now the execution has been ordered by the Executing Court in E.P.No.163 of 2022. Since there is no stay by the appellate Court, no fault can be found out in the order passed by the Executing Court. But, however, considering the fact that the interlocutory application is pending before the appellate Court, there shall be a direction to the learned Principal District Judge, Thanjavur, to



C.R.P.(MD)No.312 of 2024

dispose of the above said interlocutory application within a period of one month from the date of receipt of a copy of this order. Depending upon the outcome of the above said interlocutory application, further proceedings shall be taken, in the execution proceedings.

4. With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.03.2024

Index : Yes / No
Internet : Yes / No
TM

To

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



WEB COPY



C.R.P.(MD)No.312 of 2024

G.ILANGO VAN,J.

TM

C.R.P.(MD)No.312 of 2024

18.03.2024