



CRP(MD).Nos.580 to 582 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

C.R.P(MD).Nos.580 to 582 of 2024 and
C.M.P(MD).Nos.2878, 2879 and 2881 of 2024

Marikannu

... Petitioners in all CRPs /
third party

Vs.

Subbammal (died)

- 1.Subbuthai
- 2.Arumugam
- 3.Shankar
- 4.Kalidoss
- 5.Govindasamy
- 6.Gopinath
- 7.Packiyalakshmi

... Respondents in all CRPs.

PRAYER:- Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order in E.A.Nos.9, 11 and 10 of 2024 in E.P.No.7 of 2021 in O.S.No.162 of 2014 on the file of the Principal District Munsif Court, Aruppukkottai, dated 08.01.2024.

For Petitioner : Mr. S. Bharathi in all CRPs

COMMON ORDER

These Civil Revision Petitions are filed against the fair and



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decreetal order made in E.A.Nos.9, 11 and 10 of 2024 in E.P.No.7 of 2021 in O.S.No.162 of 2014 on the file of the Principal District Munsif Court, Aruppukkottai, dated 08.01.2024.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order is passed against the respondents, notice to the respondents is not necessary.

3. The above said suit in O.S.No.162 of 2014 was decreed by the Principal District Munsif Aruppukkottai. That suit was between the mother and daughter and the mother wanted to cancel the settlement deed executed by her in favour of the daughter. The daughter entered appearance in that matter and also filed written statement stating that already the property was under sale agreement between herself and this revision petitioner on 14.02.2014. Subsequent to that this revision petitioner also purchased the property on 13.06.2014. In spite of the above said statement filed by the daughter and in spite of framing issues that was answered against this revision petitioner of this Court, all those facts are not brought to this Court in these revisions.



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4. In spite of the fact that the suit is between the daughter and mother, later when the execution petition was moved it was brought to the notice of this Court that, the revision petitioner herein has also filed a suit in O.S.No.9 of 2024 on the file of the very same Court along with I.A.No.1 of 2024 seeking to set aside the certain portion of the decree and Judgment in the earlier suit in O.S.No.162 of 2014. Pending the above said proceedings, mother died viz., decree holder and the LR's were brought on record. After disposal of the suit, the plaintiff in the suit in O.S.No.162 of 2014 filed three E.A.Nos.9, 11 and 10 of 2024 for break open the house, disconnecting the Electricity service connection and for police protection respectively. All those petitions came to be allowed by the executing Court. Challenging the same, these Civil Revision Petitions are filed by the petitioner and leave was granted to the petitioner to file a revision.

5. Now, the grievance of the petitioner is that if the execution is ordered as directed by the trial Court, then it will cause serious prejudice to the petitioner. According to him, executing Court and the trial Court are one and the same. In spite of the fact that the suit and Interlocutory application filed by the petitioner is brought to the



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notice of the trial Court, now the trial Court is not taking care. In view of the above said developments unless there is stay order in the execution proceedings, it cannot be stalled. But, at the same time, challenging the very decree itself an Interlocutory Application is filed before the very same Court and the same is pending. The said Interlocutory Application must be disposed of before the execution process. Hence, There shall be a direction to the trial Court to dispose of I.A.No.1 of 2024 in O.S.No.162 of 2024 within a period of one month from the date of receipt of a copy of this order. Depending upon the outcome of the disposal of the Interlocutory Application, Execution proceedings may go on. Till then, the above said execution proceedings may be kept in abeyance.

6. With the above direction, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

29.02.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp

Note : Issue order copy on 04.03.2024



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To

The Principal District Munsif Court, Aruppukkottai,

WEB COPY

G.ILANGOVAN,J.

Trp

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