



C.R.P(MD).No.663 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)No.663 of 2024
and
C.M.P(MD)No.3339 of 2024**

A.Sudalai

... Petitioner

Vs

K.Soundarajan (died)

1.S.Ramaiah

2.S.Kanthimathinathan

3.S.Seethalakshmi

... Respondents

Prayer : Civil Revision Petition is filed under Section 115 of CPC, to set aside the fair and decretal order made in E.A.No.9 of 2023 in E.P.No.35 of 2019 in R.C.O.P.No.20 of 2016 on the file of the Principal District Munsif Court, Tirunelveli, dated 24.01.2024, allow the above Civil Revision Petition.

For Petitioner : Mr.S.Kumar

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order made in E.A.No.9 of 2023 in E.P.No.35 of 2019 in R.C.O.P.No.20 of 2016 on the file of the Principal District Munsif Court, Tirunelveli, dated 24.01.2024 and allow the above Civil Revision Petition.



C.R.P(MD).No.663 of 2024

WEB COPY

2. The grievance of the petitioner is that against the order in R.C.O.P.No.20 of 2016, R.C.A.No.24 of 2019 was filed before the learned Principal Subordinate Judge, Tirunelveli, which was dismissed for default on 22.01.2021. An application in I.A.No.4 of 2021 was filed to restore the R.C.A.No.24 of 2019. Pending the process, the landlord reported to be dead. The legal representatives are brought on record. Pending I.A.No.4 of 2021, delivery has been ordered on 01.12.2023. Without deciding the I.A.No.4 of 2021 by the Appellate Court, it was kept pending. To recall the delivery warrant on that point, E.A.No.9 of 2023 was filed and the same came to be dismissed. Against which this Civil Revision Petition has been preferred.

(*) 3. Before the learned Principal District Munsif, Tirunelveli, there is no order of stay of the proceedings in E.P.No.35 of 2019. So the order passed by the executing Court cannot be found fault. Therefore, there shall be a direction to the learned Principal Subordinate Judge, Tirunelveli, to dispose the I.A.No.4 of 2021 in R.C.A.No.24 of 2019, on his file, within a period of 15 days from the date of receipt of a copy of this order. Till then, the above said execution proceedings be kept in abeyance. Depending upon the outcome of the I.A.No.4 of 2021, further process can be taken by the parties."



C.R.P(MD).No.663 of 2024

WEB COPY

4. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(P&A)

(*)Replaced with marked paragraph as per the order dated. 21.03.2024 vide order dated. 21.03.2024 in CRP(MD)663 of 2024.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/03/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

(*)To be substituted to the order already despatched on 15.03.2024.

pnn

To

1.The Principal Subordinate Judge, Tirunelveli.

2.The Principal District Munsif, Tirunelveli

Copy to:

The Section Officer, V.R. Section,

Madurai Bench of Madras High Court. Madurai.(2 Copies).

**C.R.P(MD)No.663 of 2024
15.03.2024**

SSA (15.03.2024) 3P/ 5C

SI (21.03.2024) 3P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.