



C.R.P.(MD)No.732 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.732 of 2024
and C.M.P.(MD).No.3845 of 2024

Jansi Rani

... Petitioner/1st Respondent/
1st Defendant

Vs.

T.Azhagurathi

... Respondent/Petitioner/Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.09.2023 passed in E.A.No.2 of 2022 in E.P.No.15 of 2021 in O.S.No. 95 of 2017 on the file of the Sub Court, Thiruchendur.

For Petitioner : Mr.M.Saravanan.

ORDER

This revision petition has been filed against the fair and decretal order dated 04.09.2023 passed in E.A.No.2 of 2022 in E.P.No.15 of 2021 in O.S.No.95 of 2017 on the file of the Sub Court, Thiruchendur.



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2.Suit in O.S.No.95 of 2017 was decreed in favour of the respondent as prayed for in the plaint. Against which, appeal has to be presented by the revision petitioner before the appellate Court within the time stipulated. But there is a delay of 457 days in preferring the appeal. To condone the delay I.A.No.2 of 2021 has been filed before the learned Principal District Judge, Tuticorin, in the year 2021 itself. Pending the above said interlocutory application before the appellate Court, delivery was ordered by the Executing Court with police protection. Against which this revision has been preferred.

3.There is no stay order been passed by the appellate Court in I.A.No.2 of 2021. The reason for the pendency of the above said application for three years is not known. Because of the delay in disposal of the above said application only, the Executing Court has passed an order of delivery.

4.Considering the above said position, there shall be a direction from the learned Principal District Judge, Tuticorin, to dispose of the



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I.A.No.2 of 2021, within a period of fifteen days from the date of receipt of a copy of this order. Depending upon the outcome of the above said application, further proceedings shall be taken by the Executing Court.

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

19.03.2024

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 20.03.2024.

To

1.The Principal District Judge, Tuticorin.

2.The Subordinate Judge, Tiruchendur.

3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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