



C.R.P(MD)No.1276 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.1276 of 2023

and

C.M.P(MD)No.6285 of 2023

Renuka

... Petitioner / Defendant

Vs

Masilraj

... Respondent / Plaintiff

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order in E.A.No.1 of 2022 in E.P.No.43 / 2021 in O.S.No.150/2017 passed by the Principal Sub Court, Tirunelveli, dated 24.11.2022.

For Petitioner : Mr.K.P.Narayanakumar

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order in E.A.No.1 of 2022 in E.P.No.43 / 2021 in O.S.No.150/2017 passed by the Principal Sub Court, Tirunelveli, dated 24.11.2022.



C.R.P(MD)No.1276 of 2023

2. The grievance of the petitioner is that against the judgment and decree passed by the trial Court, a restoration petition was filed to condone the delay of 1186 days in preferring the restoration petition, in I.A.No.2 of 2021 by the revision petitioner under Section 5 of Limitation Act. That was also dismissed. To restore the I.A.No.2 of 2021, I.A.No. 3 of 2022 was filed which was also dismissed for not taking steps to pay batta. To restore I.A.No.3 of 2022, I.A.No.4 of 2024 is filed and the same is pending.

3. The petitioner has to workout remedy only in the pending I.A.No.4 of 2024. There is no question of passing any stay order either by this Court or by an execution Court. Without resorting to a remedy in the pending I.A.No.4 of 2024, this Civil Revision Petition is filed against the order which is not maintainable.

4. The learned Principal Subordinate Judge, Tirunelveli, is directed to take up the I.A.No.4 of 2024 and dispose of the same within a period of 15 days from the date of receipt of a copy of this order. Depending upon the outcome of the I.A.No.4 of 2024, further proceeding can be taken in the execution proceedings.



C.R.P(MD)No.1276 of 2023

WEB COPY

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

25.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

pnn

To

- 1.The Principal Subordinate Judge, Tirunelveli.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

3/4



WEB COPY



C.R.P(MD)No.1276 of 2023

G.ILANGO VAN, J.

pnn

ORDER
IN
C.R.P(MD)No.1276 of 2023
and
C.M.P(MD)No.6285 of 2023

25.11.2024