



C.R.P(MD)No.644 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

C.R.P(MD)No.699 of 2024
and C.M.P. (MD) No.3650 of 2024

Kannan ...Petitioner/Respondent/Respondent
Vs.

Tamilarasi (died) ..1st Petitioner/Petitioner/Landlord

1.Veerasami Elamparithi
2.Sathya ...Respondents 2, 3/Petitioners/LRs of petitioner

PRAYER: Civil Revision Petition is filed under Section 115 of Cr.P.C by setting aside the fair and decreetal order passed in E.P.No. 13 of 2014 in R.C.O.P.No.08 of 2010 on the file of the Principal District Munsif Court, Karur dated 15.02.2024.

For Petitioner : Mr.T.Selvan

ORDER

This revision is filed against the the fair and decreetal order passed in E.P.No.13 of 2014 in R.C.O.P.No.08 of 2010 on the



C.R.P(MD)No.644 of 2024

WEB COPY

file of the Principal District Munsif Court, Karur dated 15.02.2024.

2. R.C.O.P No 8 of 2010 on the file of the Principal Distric Munsif Court, Karur, was allowed on 23.08.2012 against which R.C.A was filed by the revision petitioner in R.C.A No.3 of 2017 before the learned Principal Subordinate Judge, Karur. That was dismissed for default and in the meantime, the decree holder died and legal heirs were not brought on record and the revision petitioner has filed a petition to restore R.C.A No.3 of 2017 and that was returned by stating that the legal heirs must be brought on record. E.P.No.13 of 2014 was filed by the legal heirs of the decree holder. Thereafter, the revision petitioner re-presented R.C.A.NO.3 of 2017 before the Principal Subordinate Court, Karur. Pending aforesaid process, now delivery has been ordered in E.P.No.13 of 2014. Instead of pressing the Principal Subordinate Court, Karur, to pass stay order, the present revision is filed which is not maintainable.



C.R.P(MD)No.644 of 2024

WEB COPY

2. However, there shall be a direction to the learned Principal Subordinate Judge, Karur to dispose I.A.NO.1 of 2024 within 15 days from the date of receipt of a copy of this order. Till then, the executing court shall keep the order passed in E.P.No.13 of 2014 in abeyance.

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

14.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

CM

Note: Issue order copy on 15.03.2024

To

1. The Principal District Munsif Court, Karur

2. The Section Officer,
V.R.Section, Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

CM

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