



C.R.P(MD)No.740 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.740 of 2024

and

C.M.P(MD)No.3917 of 2024

Alosiya

... Petitioner / 3rd respondent /
3rd Judgment Debtor

Vs

1.Ganesan

... 1st Respondent / 1st petitioner
/ 1st Decree Holder

Nallankal (Died)

Mariyayee (Died)

2.Mookkayee

... 2nd Respondent / 2nd Respondent /
2nd Judgment Debtor

Prayer : Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the docket order passed in E.P.No.13 of 2019 in O.S.No.178 of 2004 on the file of the District Munsif Court, Thuraiyur dated 28.02.2024, by allowing this Civil Revision Petition.

For Petitioners : Mr.S.Krishnan



C.R.P(MD)No.740 of 2024

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ORDER

This Civil Revision Petition is filed to set aside the docket order passed in E.P.No.13 of 2019 in O.S.No.178 of 2004 on the file of the District Munsif Court, Thuraiyur dated 28.02.2024, by allowing this Civil Revision Petition.

2. Learned counsel for the petitioner would submit that against the decree and judgment, he filed S.A.(MD)Nos.510 and 511 of 2021 before this Court. There is no stay order. Pending the Second Appeal herein, now the execution proceedings has been taken up by the Court. Against which this Civil Revision Petition is preferred.

3. Unless there is a stay order passed by the Second appellate Court, the execution cannot be stalled. The petitioner can work out remedy only before the Second Appellate Court. I find no reason to entertain this petition.



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4. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition stands closed.

20.03.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The District Munsif Court, Thuraiyur.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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ORDER
IN
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and
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