



C.RP(MD)No.661 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:29.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.661 of 2022
and
C.M.P(MD)No.2695 of 2022**

Arumugam

..Revision Petitioner/1st
Respondent/Petitioner/Plaintiff

Vs.

C.Kannan(Died)
2.Kalyani
3.Ramachandran
4.Manickavalli
5.Radha
6.Maruthakala

..Respondents/Petitioners/
Defendants

*(R2 to R6 are brought on record
as LR's of the deceased sole respondent
vide Court order dated 18.03.2024)*

Civil Revision Petition is filed under Article 227 of the
Constitution of India, to set aside the order dated 08.01.2020 in



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E.A.No.3 of 2019 in E.P.No.76 of 2014 in O.S.No.88 of 2004
passed by the learned District Munsif cum Judicial Magistrate,
Thiruppathur.

For Petitioner :Mr.K.Chenguizkhan
For Respondents :Mr.M.Arunkumar

ORDER

The Civil Revision Petition is filed against the order dated
08.01.2020 made in E.A.No.3 of 2019 in EP.No.76 of 2014 in
O.S.No.88 of 2004.

2.It could be seen that the deceased first respondent/1st
Defendant herein had suffered a decree in O.S.No.88 of 2004.

3.The learned counsel appearing on behalf of the respondent
submitted that the respondent filed an appeal suit. However, at the
time of scrutiny of the appeal suit, the Appellate Forum had
returned the papers by pointing out that the decree suffers from
certain defects. In the meanwhile, pending the execution



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proceedings, the plaintiff himself applied for amendment of degree which was also ordered. But however, the application which the petitioner made in CR- Register No.1400 remains to be uncomplished. Therefore, the respondent filed the present application to stall all the proceedings in the execution until the corrected decree is issued to him. The said petition is ordered, as against which, the civil revision petition is filed.

4.Even though there is no stay, on a query, the learned counsel for the respondent submits that the corrected decree is not yet obtained by him. The petition is filed only for a breathing time until the corrected decree is issued to him. That cannot be taken as a ground to prolong the execution proceedings. Now. The order was passed by the trial Court as early as on 08.01.2020 and now we are in July 2024. This is simply unconscionable.

5.In view of the same, the Civil Revision Petition is disposed of on the following terms:



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(i)The order dated 08.01.2020 is not interfered with.

(ii)The trial Court is requested to forthwith comply with the copy application/issue of amended decree request, if any pending, in any event, not later than five working days from the date of receipt of the copy of the order.

(iii)The trial Court will issue only the amended decree as it stands as on today(29.07.2024).

(iv)It goes without saying that the prayer of the petitioner itself is to stay all further proceedings in the execution until such amended decree is issued to him and therefore, the stay granted in E.A.No.3 of 2009 shall come to an end as and when the amended decree copy is issued to the respondent.

(v)No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC:Yes/No



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To

The District Munsif cum
Judicial Magistrate,
Thiruppathur.



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D.BHARATHA CHAKRAVARTHY, J.

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