



*C.R.P(MD)No.1379 of 2024*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2024**

CORAM

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**C.R.P(MD)No.1379 of 2024**

**and**

**C.M.P(MD)No.8149 of 2024**

Ramu Pillai

... Petitioner/Petitioner/  
Respondent/Judgment Debtor

Vs.

Chandran

... Respondent/Respondent/  
Petitioner/Decree Holder

**PRAYER :** Civil Revision Petition is filed under Section 11 of Code of Civil Procedure, to set aside the fair and decreetal order passed in E.A.No.1 of 2024 in E.P.No.15 of 2017 in O.S.No.143 of 2004 on the file of District Munsif Court, Nilakottai, dated 16.04.2024.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondent : No Appearance



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**ORDER**

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This civil revision petition arises out of fair and decreetal order passed in E.A.No.1 of 2024 in E.P.No.15 of 2017 in O.S.No.143 of 2004 on the file of District Munsif Court, Nilakottai.

2. The petitioner herein has suffered a decree. The matter went upto the Hon'ble Supreme Court and Special Leave Petition in S.L.P(Civil) Diary No.37704 of 2017 was also dismissed. When the decree is now sought to be executed, the petitioner has filed the present application stating that Review Petition(Civil) Diary No.36425 of 2022 is pending before the Hon'ble Supreme Court and therefore, the stay is prayed.

3. When the review petition is filed and when the Hon'ble Supreme Court has not granted any interim order, then the earlier decree of the Court which is confirmed by the Hon'ble Supreme Court has to be given the effect to. As a matter of fact, even till today, not even the review petition number is furnished. The record of proceedings which is filed along with the typed set of papers only states that the petitioner counsel



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had taken four weeks time to cure the defects. It is only at this stage, the matter is pending before the Hon'ble Supreme Court. In view of the same, when suit was filed as early as in the year 2004 and the matter has gone upto Hon'ble Supreme Court and the decree having been confirmed, I do not find that the execution need to be stayed. The learned counsel for the petitioner would submit that the reason given by the trial Court is unsustainable and that the application is dismissed on the first day itself. Be that as it may, still this Court cannot come to the aid of the petitioner when the decree having been become final and when there is no other impediment for execution. Driving the decree holder for filing execution petition itself is an unnecessary ordeal to the decree holder. Therefore, there are no merits in the revision petition.

4. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**03.07.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To

- 1.The District Munsif Court,  
Nilakottai.
- 2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**D.BHARATHA CHAKRAVARTHY,J.**

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Order made in  
C.R.P(MD)No.1379 of 2024

03.07.2024