



C.R.P(PD)(MD)No.1752 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(PD)(MD)No.1752 of 2023

and

CMP(MD)No.8723 of 2023

1.S.Muthukkaruppan

2.M.Rajeswari

... Petitioners/Respondents 2 & 9/
Defendants 2 & 9

vs.

C.Thangaraju (Died)

1.T.Settu

2.T.Mamsala

3.T.Kumar

4.T.Muthukannu

5.T.Valambal

... Sole Petitioner/Sole Plaintiff

... Respondents 1-5/Petitioners 2-6/
L.Rs. of Plaintiff's

M.Marimuthu (Died)

M.Valambal (Died)

M.Nagarajan (Died)

M.Angusamy (Died)

6.M.Pitchaiammal

7.M.Kunjammal

8.M.Panchavarnam

9.M.Dhanalakshmi

... Respondents 6-9/Respondents 6,7,8,10/
Defendants 6, 7, 8, 10

10.N.Lalitha

11.N.Indira

12.N.Mohana



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13.N.Rajesh
14.A.Chandrasekar ... Respondents 10-14/Respondents 11-15/
L.Rs. of 4th Defendant
15.A.Nithiya
16.A.Dineshkumar ... Respondents 15 & 16/Respondents 16 & 17/
L.Rs. of 5th Defendant

Prayer:- Civil Revision Petition filed under Section 115 of CPC, to set aside the order dated 08.02.2023 passed in E.P.No.5 of 2009 in O.S.No.9 of 1997 on the file of the Principal District Munsif Court, Lalgudi.

For Petitioners : Mr.M.Saravanan

For Respondents : No Appearance for R1 to R5

Given up for R6 to R16

ORDER

The Civil Revision Petition is filed under Article 227 of the Constitution of India because the execution Court in E.P.No.5 of 2009 has insisted that the petitioners should obtain an extension of stay orders and produce before the execution Court and has held that in the absence of the same, the execution Court would proceed further with the matter.

2.The learned counsel for the petitioners submits that as against the decree granted in A.S.No.307 of 2005, the second appeal is pending on the file of this Court in S.A.(MD)No.722 of 2009 and by an order dated



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16.09.2009, an interim stay was granted. The said order is annexed along with the typed set of papers.

3.A perusal of the same, it can be seen that the interim order is granted without mentioning an outer limit and therefore, so long it is not vacated by an express order of this Court, the interim stay continues. Therefore, except to clarify that the interim stay is still in force in S.A(MD)No.722 of 2009, nothing further needs to be done in the present Civil Revision Petition.

4.With the above observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2024

NCC : Yes / No
sjj

To

The Principal District Munsif Court, Lalgudi.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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