



C.R.P. (MD) No. 1826 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1826 of 2024
and
C.M.P (MD) No.10278 of 2024

S.Abbas Ali

... Petitioner/
Respondent

-VS-

Jabab. Jafarullakhan (Died)

- 1.Seyad Beevi
- 2.Anshar Ali
- 3.Mohammed Ibrahim
- 4.Saira Banu

... Respondents/
Petitioners

PRAYER: Civil Revision Petition filed under Article 225 of the Constitution of India, to call for the records of the order in E.P.No.53 of 2015 in R.C.O.P.No. 258 of 2009 dated 10.07.2024 on the file of the Hon'ble Principal District Munsif, Madurai Town and to set aside the same and allow the Civil Revision Petition.

For Petitioner : Mr.A.Haja Mohideen



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ORDER

The Civil Revision Petition is filed challenging the order in E.P.No.53 of 2015 in R.C.O.P.No.258 of 2009.

2. It can be seen that the petitioner had filed an appeal as against the order in R.C.O.P.No.258 of 2009 in R.C.A.No.28 of 2015. The same was dismissed for default and the restore petition was filed in I.A.No.233 of 2019 and the same is spending.

3. The learned Counsel submits that in view of the delivery order passed already, an application is made to advance the hearing to 01.08.2024. In view thereof, he submits that the Execution Court ought not to have ordered the delivery.

4. Even though there was a stay pending R.C.A.No.28 of 2015, so long as the R.C.A is not yet restored, it cannot be said that the Execution Court has to wait for the petitioner. Therefore, the Civil Revision Petition is without any merits and accordingly, dismissed. However, since it is said that the learned



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Counsel has filed an advanced hearing petition before the appropriate appellate Court, let not the delivery warrant be executed for a period of ten (10) days from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.08.2024

Index : No
NCC : No
PKN



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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The Principal District Munsif Court, Madurai Town.

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