



**C.R.P(MD)No.1078 of 2020**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 25.11.2024**

**CORAM :**

**THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

**C.R.P(MD)No.1078 of 2020**

**and**

**C.M.P(MD)No.7025 of 2020**

Rajathurai

... Petitioner / Defendant

Vs

1.Saritha

2.Janaki (Minor)

Minor 2nd respondent is represented  
by the 1st respondent

... Respondents / Plaintiffs

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to call for the records pertaining to the fair and decreetal order in E.A.No.1 of 2020 in E.P.No.9 of 2020 in O.S.No.106 of 2018 passed by Principal District Munsif Court, Padmanabhapuram, dated 09.12.2020 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.M.Dennis Joe



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## **ORDER**

This Civil Revision Petition is filed to call for the records pertaining to the fair and decreetal order in E.A.No.1 of 2020 in E.P.No.9 of 2020 in O.S.No.106 of 2018 passed by Principal District Munsif Court, Padmanabhapuram, dated 09.12.2020 and set aside the same.

2. The grievance of the revision petitioner is that pending the execution proceedings I.A.No.1 of 2021 was filed and the same was transferred to the learned Judge, Family Court, Nagercoil. He further submitted that pending E.P.No.9 of 2020 before the learned Principal District Munsif, Padmanabhapuram, the revision petitioner namely Rajathurai, filed E.A.No.1 of 2020 to stay the execution of the decree. That came to be dismissed. Against which this Civil Revision Petition is preferred.

3. Since there is no stay order in the I.A.No.1 of 2021, there is no impediment for the execution Court to go on with the execution proceedings. The petitioner is at liberty to work out remedy before the



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appellate Court itself. This Civil Revision Petition is not at all entertainable.

4. There shall be a direction to the learned Family Court, Nagercoil, to dispose the I.A.No.1 of 2021 pending on its file within a period of one month from the date of receipt of a copy of this order. Depending upon the outcome of the I.A.No.1 of 2021, the execution Court namely the learned Principal District Munsif, Padmanabhapuram, may proceed further, till then it may wait.

5. With the above said direction and liberty, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

**25.11.2024**

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

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**G.ILANGO VAN, J.**

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To

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

ORDER  
IN  
**C.R.P(MD)No.1078 of 2020**  
**and**  
**C.M.P(MD)No.7025 of 2020**

**25.11.2024**