



C.R.P.(MD)No.1905 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1905 of 2024

and

C.M.P.(MD)No.10788 of 2024

Samsul Hithiya

... Petitioner

Vs.

Narayanan

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 12.07.2024, passed in E.P.No.11 of 2019 in O.S.No.133 of 2013 on the file of the Sub Court, Padmanabhapuram.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondent : Mr.C.Kishore

ORDER

The present civil revision petition is filed against the order, dated 12.07.2024, passed in E.P.No.11 of 2019 in O.S.No.133 of 2013 on the file of the Sub Court, Padmanabhapuram.



2.The O.S.No.133 of 2013 was filed by the respondent for specific performance and the same was allowed. The respondent herein had filed E.P.No. 11 of 2019. In the meanwhile, the revision petitioner herein preferred an appeal in A.S.No.147 of 2018 and also filed I.A.No.1 of 2022 for stay. In the stay application, the respondent herein has filed a counter and it is ready for hearing. When the first appeal was pending along with stay application, the E.P. Court proceeded to hear the execution petition and ordered the same. Hence, the revision petitioner is aggrieved by the order passed in the execution proceedings.

3. After hearing the arguments, this Court is of the considered opinion that the order passed by the E.P., Court ought to be kept in abeyance until the disposal of the appeal in A.S.No.147 of 2018. Therefore, there shall be an order of interim stay of the judgment and decree passed by the Trial Court in O.S.No.133 of 2013 until 31.01.2025. The Additional District Court, Padmanabhapuram, is directed to hear the A.S.No.147 of 2018 and dispose of the same on or before 31.01.2025. After the disposal of the appeal, the parties shall adhere to the judgment passed in the appeal. The parties may not take repeated adjournments and shall cooperate to



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complete the hearing in A.S.No.147 of 2018 within the stipulated period of 31.01.2025.

4. With the above said directions, the civil revision petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

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

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To

- 1.Sub Court, Padmanabhapuram.
2. Additional District Court, Padmanabhapuram.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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