



C.R.P.(MD)No.2330 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2330 of 2024
and
C.M.P.(MD)No.13214 of 2024

1.N.Kandasamy

2.K.Nagarajan ... Petitioners / Petitioners / Appellants

Vs.

1.S.Subramanian

2.S.Neelakandan ... Respondents / Respondents / Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.06.2024 passed in I.A.No.44 of 20223 in A.S.No.52 of 2023 on the file of the third Additional District Judge, Thanjavur at Pattukottai.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.C.Bharathi
for Mr.D.R.Murugesan
for R1 & R2



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ORDER

Heard both sides.

2. The respondents herein filed O.S.No.324 of 2015 on the file of the Sub Judge, Pattukottai for partition. Preliminary decree was passed on 19.07.2023 with regard to items 1, 2 & 5 alone. The suit was dismissed as regards items 3 & 4. Questioning the same, the petitioners herein who figured as defendants filed A.S.No.52 of 2023. They also sought the relief of interim stay. I.A.No.44 of 2023 was dismissed vide order dated 15.06.2024. Challenging the same, the civil revision petition came to be filed.

3. It is not in dispute that the respondents have not filed any final decree petition. Therefore, the question of seeking stay would not arise at all. Even if the final decree petition is filed, the appellate court would normally permit the other proceedings to go on but stay the passing of the final decree alone. Such situation does not arise in this case. The learned counsel for the respondents states that for the next three months, they shall not file any final decree petition.



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4. In this view of the matter, interference with the impugned order does not arise at all. However, the first appellate Court is directed to dispose of A.S.No.52 of 2023 on merits and in accordance with law within a period of six months from the next hearing date. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

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

The third Additional District Judge, Thanjavur at Pattukottai.



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G.R.SWAMINATHAN, J.

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