



C.R.P(MD)No.2690 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.12.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)No.2690 of 2023
and
C.M.P(MD)No.14026 of 2023
and
C.M.P(MD)No.4423 of 2024**

1.Nambi Pandaram
2.Shanmugam

... Petitioners / Defendants

Vs

Viyasarajapuram Sivagnana Moorthy Kovil
Represented through Akthar / Trustee
Devotee Narayanan Asari

... Respondent / Plaintiff

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decretal order dated 22.09.2023 passed in E.P.No.8 of 2021 in O.S.No.304 of 2004 on the file of the District Munsif Court, Nanguneri and thereby allow the Civil Revision Petition.

For Petitioner : Mr.M.R.Srinivasan

For Respondent : Mr.T.Selvan



C.R.P(MD)No.2690 of 2023

ORDER

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This Civil Revision Petition is filed to set aside the fair and decreetal order dated 22.09.2023 passed in E.P.No.8 of 2021 in O.S.No. 304 of 2004 on the file of the District Munsif Court, Nanguneri.

2. The grievance of the petitioner is that he filed an appeal in A.S.No.34 of 2014 before the learned Subordinate Judge, Nanguneri, against the judgment and decree made in O.S.No.304 of 2004 and the appeal came to be dismissed for default in the year 2019. Petitions in I.A.Nos.1,2 and 3 of 2023 were filed to restore the same and to condone the delay. I.A.Nos.1 and 2 of 2023 were allowed. Now I.A.No.3 of 2024 is pending before the learned Subordinate Judge, Nanguneri.

3. Pending the above said process, E.P.No.8 of 2021 is proceeded before the learned District Munsif, Nanguneri. There is no stay order in I.A.No.3 of 2024. Therefore, there is no prohibition to the learned District Munsif, Nanguneri, to proceed further in the E.P.No.8 of 2021. Having failed to prosecute the appeal in a proper manner and having defaulted, now the petitioner cannot maintain the revision petition.



C.R.P(MD)No.2690 of 2023

WEB COPY

4. However, there shall be a direction to the learned Subordinate Judge, Nanguneri, to expedite the enquiry process in I.A.No.3 of 2024 and complete the same within a period of 15 days from the date of receipt of a copy of this order. Depending upon the outcome of I.A.No.3 of 2024, learned District Munsif, Nanguneri, shall proceed further in the E.P.No.8 of 2021.

5. With the above direction, this Civil Revision petition is disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

06.12.2024

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

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C.R.P(MD)No.2690 of 2023

G.ILANGO VAN, J.

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To

- 1.The Subordinate Judge, Nanguneri.
- 2.The District Munsif, Nanguneri.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
C.R.P(MD)No.2690 of 2023

06.12.2024