



C.R.P(MD)Nos.2673 & 2674/2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.2673 and 2674 of 2023

and

CMP(MD)Nos.13949 of 2023

In CRP(MD)No.2673 of 2023:

Karunanithi

.. Petitioner

Vs.

Pushparaj

.. Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 05.08.2023 in E.A.No1 of 2023 in E.P.No.9 of 2023 on the file of the Sub Court, Thuraiyur.

For Petitioner : Mr.D.Anbarasu

For Respondent : Mr.M.Vivek Bharathi

In CRP(MD)No.2674 of 2023:

Karunanithi

.. Petitioner

Vs.

Pushparaj

.. Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil



C.R.P(MD)Nos.2673 & 2674/2023

Procedure Code, to set aside the fair and decreetal order dated 11.08.2023 in E.A.No.3 of 2023 in E.P.No.9 of 2023 on the file of the Sub Court, Thuraiyur.

For Petitioner : Mr.D.Anbarasu

For Respondent : Mr.M.Vivek Bharathi

COMMON ORDER

Since the issue involved in these two petitions are one and the same, these two petitions are taken up together and dispose of by way of this common order.

2. The petitioner was the defendant in OS.No.87 of 2021. He remained exparte at the time of trial. So, exparte decree was passed against this petitioner. Hence, he filed IA.No.1 of 2023 to set aside the exparte decree and the same is pending before the Sub Court, Thuraiyur. In the meantime, seeking execution of the decree, the respondent herein filed EP.No.9 of 2022. In the EP proceedings, the petitioner herein received notice and appeared before the Court and made objection stating that IA.No.1 of 2021 is pending before it. But without considering the above said request, order was passed by the Execution Court to execute the sale deed and the sale deed was executed by the trial Court. Challenging the same, this revision petition is filed by the petitioner.



C.R.P(MD)Nos.2673 & 2674/2023

3. It may not be proper on the part of the Court to take up the execution proceedings, without deciding the IA.No.1 of 2023 by the Sub Court, Thuraiyur.

4. Therefore, on that ground, there shall be a direction to the Sub Court, Thuraiyur, to decide the IA.No.1 of 2021 and dispose of the same within a period of 15 days from the date of receipt of a copy of this order. Till the disposal of the IA.No.1 of 2021 on the file of the Sub Court, Thuraiyur, let the further process of the Execution shall be kept in abeyance. Depending upon the outcome of the IA, the Execution Court may proceed.

5. With the above direction, these Civil Revision Petitions are disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

10.01.2024

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



WEB COPY



C.R.P(MD)Nos.2673 & 2674/2023

G.ILANGO VAN, J.

PJL

To

1. The Sub Judge, Thuraiyur.

2. The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court,

Madurai.

C.R.P(MD)Nos.2673 and 2674 of 2024

10.01.2024