



C.R.P(MD)No.3193 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.3193 of 2023

Jakkammal

... Petitioner / Plaintiff

Vs

1.Pandi @ Appaiyasamy

2.Perumalsamy

3.Manikandam

... Respondents / Respondents /
Defendants

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the order and decreetal order dated 19.09.2023 made in E.P.No.13 of 2022 in O.S.No.83 of 2012 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : No appearance



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ORDER

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This Civil Revision Petition is preferred against the order of dismissal or closing of the execution proceedings filed by the petitioner in E.P.No.13 of 2022 in O.S.No.83 of 2012 on the file of the District Munsif Court, Theni.

2. Learned counsel for the petitioner would submit that against the judgment and decree passed in O.S.No.83 of 2012, an appeal in A.S.No. 20 of 2014 was preferred by the respondents herein before the Subordinate Court, Theni. That was dismissed on 23.11.2021. Thereafter, a Second Appeal in S.A(MD)No.194 of 2022 is preferred before this Court which is stated to be pending. There is no stay order in the Second Appeal. In spite of the fact that there is no stay order, the E.P.No.13 of 2022, filed by the petitioner was closed by the execution Court stating that a Second Appeal is pending before this Court.

3. The closing or dismissal of the E.P.No.13 of 2022 by the execution Court by stating that the Second Appeal is pending before this Court, is not proper.



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4. There shall be a direction to the learned District Munsif , Theni to restore the E.P.No.13 of 2022 on file and proceed the same in accordance with law.

5. With the above direction, this Civil Revision Petition is allowed.

No costs.

13.11.2024

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

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To

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



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G.ILANGO VAN, J.

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ORDER
IN
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