



C.R.P.(MD)No.3423 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3423 of 2023

Nagarajan ... Petitioner / Petitioner / Defendant

Vs.

1.M.V.P.Mariyappan ... 1st Respondent / Respondent / Petitioner

2.M.A.Murugan ... 2nd Respondent/Respondent / Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 07.11.2023 made in I.A.No.1 of 2022 in A.S.No. 28 of 2022 on the file of the Additional District Judge No.1 Thoothukudi

For Petitioner : Mr.V.Selvakumar

ORDER

Challenging the order passed by the appellate Court in I.A.No.1 of 2022 in A.S.No.28 of 2022 this revision has been filed.



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2.This petitioner suffered a decree and judgment in O.S.No.399 of 2015 on the file of the Sub Court, Tuticorin, on 09.09.2021. Against which appeal was preferred by this revision petitioner before the appellate Court namely I Additional District Judge, Tuticorin, in A.S.No. 28 of 2022. Pending appeal process he filed I.A.No.1 of 2022 in the above said appeal seeking stay of the execution of Judgment and decree. That came to be allowed by the appellate Court directing the petitioner to deposit a sum of Rs.8,00,000/- to the credit of this number before the trial Court. Conditional stay order was passed.

3.Aggrieved over the same, this petition has been filed on the ground that the conditional order of imposing Rs.8,00,000/- is excess in nature and he is ready to deposit Rs.4,00,000/-. The suit is of the year 2015. Appeal was preferred in the year 2022. Decree was passed on 09.09.2021. The Principal amount stated to be Rs.6.12 Lakhs. The appellate Court has passed the order to deposit the amount along with interest.

4.In spite of taking of the stay petition, the appellate Court ought



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to have disposed the main appeal itself, since it is a simple money suit. I find no reason to entertain this petition since it does not suffer from any illegality or irregularity.

5.However, there shall be a direction to appellate Court to dispose of the main appeal in A.S.No.28 of 2022 within a period of three months from the date of receipt of a copy of this order.

6.With the above said directions, this civil revision petition stands dismissed. No costs.

09.01.2024

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

To

1.The Additional District Judge No.1,
Thoothukudi.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGO VAN,J.

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