



C.R.P.No.751 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.751of 2024 and CMP No.3757 of 2024

S.O.Asmuthin

.... Petitioner

Vs

Mrs.Sainas

.... Respondent

Revision filed under Section 115 of Civil Procedure Code against the order in EP No.15 of 2022 in O.S.No.103 of 2015 order dated 10.01.2024 passed by District Munsif Court, Sholinghur.

For Petitioner: Mr.V.Manisekaran

For Respondent: Mr.C.Sathish

ORDER

Heard the learned counsel for the petitioner and the respondent.

2. The dispute is between brother and sister. The respondent, as plaintiff, has filed a suit in O.S.No.103 of 2015 for declaration and recovery of possession. The suit was decreed on 10.01.2022, as against which, the revision petitioner/defendant has preferred an appeal and the same has been taken on file in A.S.No.20 of 2024 before Sub Court, Arakkonam.



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3. In the meantime, the respondent/plaintiff has initiated execution proceedings in E.P.No.15 of 2022 and in view of the fact that there is no interim stay by the appellate Court, the executing Court has ordered E.P.No.15 of 2022 on 10.01.2024. The said order is under challenge in the present revision.

4. Learned counsel for the petitioner/defendant states that an application for stay of execution has already been filed and the same is pending before Sub Court, Arakkonam in A.S.No.20 of 2024 and it is coming for enquiry on 13.10.2025.

5. Learned counsel for the respondent/plaintiff states that no exception can be taken to the order of the executing Court since there was no interim stay granted by the appellate Court though appeal was taken on file in A.S.No.20 of 2024 and therefore, the order passed in E.P.No.15 of 2022 does not call for any interference.

6. This Court has granted interim stay on 11.03.2024 while issuing



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notice to the respondent and thereafter, the revision has been listed for final hearing only today. Considering that the dispute is between brother and sister and admittedly A.S.No.20 of 2024 was filed in time, I am inclined to dispose of the civil revision petition in the manner following:-

(i) The order passed by the Executing Court in E.P.No.15 of 2022, which is under challenge, is confirmed. However, the said order shall be kept in abeyance till the disposal of A.S.No.20 of 2024.

(ii) The Sub Judge, Arakkonam is directed to expedite the hearing in A.S.No.20 of 2024 and dispose of the appeal on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

18.09.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
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P.B.BALAJI.,J

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To

1. The Sub Court, Arakkonam
2. The District Munsif Court, Sholinghur

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