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CRP NPD.No.2875 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2875 of 2025 & CMP.No.16218 of 2025

Venkatesan

. . . Petitioner

Versus

Rajiv Gandhi

. . . Respondent

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the fair and decreetal Order in E.A.No.1 of 2022 in REP.No.8 of 2020 in O.S.No.104 of 2014 on the file of the learned District Munsif, Uthangarai, Krishnagiri District dated 30.06.2023.

For petitioner : Mr.K.Thiruvengadam



CRP NPD.No.2875 of 2025

ORDER

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Challenging the order of the Executing Court dismissing the application filed to stay the Execution Proceedings, the present Civil Revision Petition has been filed.

2. The suit in O.S.No.104 of 2014 filed for specific performance was decreed as against the revision petitioner. The revision petitioner has also filed an appeal as against the decree and judgment before the Sub Court, Uthangarai and the same has been numbered as A.S.No.7 of 2025. In the meanwhile, the Execution Petition has been filed to enforce the decree and judgment. At this stage, an application has been filed by th revision petitioner to stay the Execution Proceedings. The Executing Court rightly dismissed the application taking note of the provisions under Order 21 Rule 26 of Code of Civil Procedure. Challenging the same, the present revision has been filed.

3. As the appeal has already been filed by the revision petitioner, let the learned Subordinate Judge, Uthangarai dispose of the appeal on merits. If any



CRP NPD.No.2875 of 2025

WEB COPY

application is filed for stay of the Execution Proceedings, that application shall be decided by the Subordinate Judge within a period of 15 days of filing of the application.

3. With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

09.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

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To,

1. The Subordinate Judge, Uthangari.

2. The District Munsif, Uthangarai.

Note : Issue Order Copy on 11.07.2025



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CRP NPD.No.2875 of 2025

N. SATHISH KUMAR, J.

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CRP NPD No.2875 of 2025

09.07.2025