



CRP No. 2722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRP. No.2722 of 2025

and

CMPNo.15403 of 2025

Sivagamasundari

... Petitioner

Vs.

S.T. Nehru

... Respondent

Prayer : Civil Revision petition has been filed under Section 115 of Code of Civil Procedure to set aside the fair and decreetal order dated 04.06.2025 passed in E.A.No.8 of 2025 in E.P.No.19 of 2008 in O.S.No.39 of 1998 on the file of the District Court at Karaikal, by allowing the Civil Revision Petition.

For Petitioner : Mr. K.K.N. Ganeshan

ORDER

Challenge has been made to the order of dismissal passed in the application filed under Order 17 Rule 1 to adjourn the case on the ground of SLP is pending.

2. Heard the learned counsel for the petitioner and perused the



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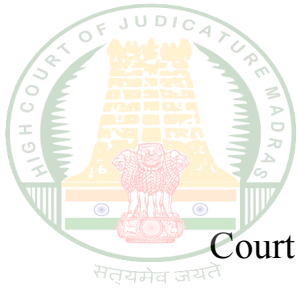
materials available on records carefully.

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3. It is seen from the records that the respondent filed a suit in O.S.No.39 of 1998 on the file of the Additional District Court, Podicherry at Karaikal for passing a preliminary decree declaring that the amount due to the respondent under the mortgage was towards principal, interest and also further directions. The Trial Court, by judgment dated 25.11.1998, passed a preliminary decree as prayed for. Thereafter, a final decree was also passed on 17.09.2001.

4. After obtaining the final decree, the respondent/decreed holder has also filed Execution Petition in E.P.No.19 of 2008 in O.S.No.39 of 1998 on the file of the District Court, Karaikal, in which he has also filed an application for removal of obstruction caused by the revision petitioner herein in E.A.No.135 of 2010 and the same was allowed on 15.09.2012. Against which, the revision petitioner filed CMA No.366 of 2012 before this Court and this Court vide order dated 16.08.2019 dismissed the same.

5. Now, the execution petition is pending for realising the amount. At this stage, before the Executing Court, an application has been filed by the revision petitioner under Order 17 Rule 1 to adjourn the case on the ground that S.L.P. is pending before the Hon'ble Supreme Court. The Trial



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Court has rightly rejected the application on the ground that there is no stay whatsoever produced. It is relevant to note that the order of this Court, dismissing the CMA No.366 of 2012, confirming the order of the Trial Court by an order dated 16.08.2019.

6. Now, the application has been filed as if they filed S.L.P. in the year 2015, however, only a diary number has been given.

7. In such view of the matter, I do not find any merit in the Civil Revision Petition and the Civil Revision Petition is liable to be dismissed.

8. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2025

mrp

To

The District Court,
Karaikal

N. SATHISH KUMAR, J.

mrp



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