



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP.No.5724 of 2025
& CMP.No.28496 of 2025**

G.Santhi

Petitioner(s)

Vs

Halima John

Respondent(s)

PRAYER: Civil Revision Petition filed under Section 115 of CPC, 1908 to set aside the order dated 06.10.2025 passed in I.A.No.102 of 2025 in A.S.No.50 of 2025, on the file of the Principal District Judge, Cuddalore and stay all further proceedings in E.P.No.82 of 2000 in O.S.No.690 of 1994 on the file of the Sub-Court, Cuddalore, pending disposal of the appeal.

For Petitioner(s): Mr.P.R.Thiruneelakandan

ORDER

This revision petition is directed against the dismissal of I.A.No.102 of 2025 in E.P.No.82 of 2000 in O.S.No.690 of 1994 seeking stay of further proceedings in the execution petition.

2.I have heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner.

3.The learned counsel for the petitioner submits that the revision



petitioner suffered a decree for specific performance in O.S.No.690 of 1994 and as against the decree, the petitioner has also preferred an appeal in A.S.No.50 of 2025. However, according to the learned counsel for the petitioner, pending the appeal, the respondent has proceeded with the execution petition, which necessitated the petitioner to seek stay of further proceedings in the said execution petition.

4.The learned counsel for the petitioner fairly stated that though in the first appeal, the petitioner had prayed for stay, the First Appellate Court has not granted any interim stay, which has therefore necessitated the petitioner to move the present revision petition.

5.Having gone through the order passed by the executing Court in I.A.No.102 of 2025, I do not see any irregularity or perversity in the order passed by the executing Court. Admittedly, there was no impediment for the executing Court to proceed with the execution petition and mere pendency of A.S.No.50 of 2025 before the Principal District Court, Cuddalore, would not entitle the petitioner to scuttle the execution proceedings. However, considering the fact that the appeal has been filed in time and the petitioner alleges that it is a case of fraud in brining about the sale agreement, which came to be rejected by the trial Court and the said findings are being challenged in the first appeal, while confirming the order in I.A.No.102 of 2025, I direct the learned Principal District Judge, Cuddalore, to dispose of A.S.No.50 of 2025, within a period of



eight weeks from the date of receipt of a copy of this order. The E.P.No.82 of 2000 shall stand deferred for such a period of eight weeks.

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6. With the above direction, the Civil Revision Petition is disposed of. No costs. Connected Civil Miscellaneous Petition is closed.

17-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal District Judge, Cuddalore.

2. The Sub Court, Cuddalore.



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P.B.BALAJI J.

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