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C.R.P.No.6038 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.B.BALAJI

C.R.P.No.6038 of 2025

AND

C.M.P.No.29811 of 2025

1.T.P.Kathirvelu
2.P.Vairavelu
3.P.Mohan
4.P.Shanmugavel

Petitioners

vs

1.B.Sukumaran
S.Muthusamy (Died)
2.Francis Sahaya Nathan @ S.Kennedy
3.M.Kamalam
4.M.K.Kuppusamy
5.M.Arthanari
6.S.Padmavathy
7.Minor S.Haritha
Rep.by her next friend mother S.Padmavathy

Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure



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Code, 1908, to set aside the order dated 01.11.2025 made in E.P.No.112 of 2022 in O.S.No.103 of 2012 on the file of the II Additional Sub Court, Erode, by allowing the present Civil Revision Petition.

For Petitioners : Mr.M.Guruprasad

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner challenges the order dated 01.11.2025 in E.P.No.112 of 2022. The learned counsel for the petitioner states that the appeal challenging the judgment and decree was filed with a delay and the delay was condoned, after the learned counsel appearing for the contesting respondent refused to take notice in the stay application.

3. The learned counsel for the petitioner states that now the delay has been condoned and the appeal is numbered and pending in A.S.No.98 of



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2025, before the learned I Additional District Judge, Erode. Pending the appeal and also the stay application, the respondent has proceeded the execution petition and the execution Court has also ordered delivery.

4. The proper course of action available for the petitioner is to approach the appellate Court under Order XLI CPC and seek for interim orders and ought not to have directly approach this Court. However, considering that the execution Court has ordered delivery by 02.12.2025 and now the Execution Petition stands posted to 02.12.2025, I am inclined to give short protection to the revision petitioner with the following directions.

(i) The revision petitioner shall approach the first appellate Court and seek for interim protection in the pending first appeal A.S.No.98 of 2025;

(ii) The execution proceedings shall be stayed for a period of two weeks from the date of receipt of a copy of this order to enable the petitioner to obtain interim protection before the first appellate Court;

(iii) The application in I.A.No.2 of 2025 shall be disposed of by the first appellate Court expeditiously.



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Accordingly, this civil revision petition is disposed of. No costs.

Connected C.M.P. is closed.

26.11.2025

ssa

Issue Order Copy by 01.12.2025



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P.B.BALAJI,J.,

ssa

To

- 1.The learned II Additional Sub Court, Erode.
- 2.The learned I Additional District Judge, Erode.

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