



CRP(MD). No.965 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.965 of 2025
and CMP(MD) No.5150 of 2025**

1. Sreekumari,
2. G.S.Vinoth,
3. G.S.Manoj,
4. G.S.Santhosh,
5. G.S.Anubama

... Petitioners/
LRs of 2nd defendant

Vs

1. Selvi
- Kaliyani Pillai (Died).
2. Vasudevan Pillai,
3. Indira Amma,
4. Vilasani,
5. Pankajam,

... 1st respondent/
3rd plaintiff



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6. Raveendran,

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7. Latha Kumari,

8. Shaji,

... Respondents 2-8/
Plaintiffs 2 & 4 to 9

9. Vasumathi Amma

Gopalakrishnan Nair (died)

Krishna Pillai (died)

10. Ammukutty Amma,

11. Sahadevan Panicker,

Chempakakutty Pillai (died)

12. Chellappan Nadar,

13. Thankappan Nadar

... Respondents 9-13/
Defendants 1,4,5,7,8

14. Lekshmi Pillai,
Nephew of Krishna Pillai,

15. Appukuttan Nair,,

... Respondents 14&15
LRs of 9th defendant

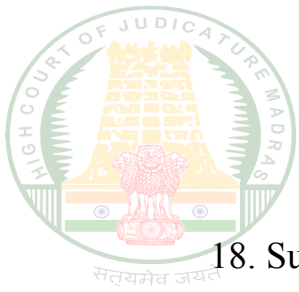
Thankappan Pillai (Died).

16. Raghavan @ Reghuvaran Nair,

... 16th respondent/
12th defendant

17. Lalitha

2/8



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18. Surekha

19. Sujithra

20. Iswariya

... Respondents 17-20
LRs of 11th defendant

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the delivery order dated 12.03.2025 passed in EP No.15 of 2024 in OS No.1516 of 1969 on the file of the Principal District Munsif Court, Kuzhithurai.

For Petitioners : Ms.J.Anandhavalli
For Respondents : Mr.V.Meenakshi Sundaram for R1
No appearance for R3,7,8,11,16 to 20

ORDER

The civil revision petition is filed against the order dated 12.03.2025 passed in EP No.15 of 2024 in OS No.1516 of 1969 on the file of the Principal District Munsif Court, Kuzhithurai.

2. The learned counsel for the petitioner would submit that the petitioners are the legal heirs of the 2nd defendant in OS No.1516/1969 and final decree was passed on 27.03.2024 against which, the petitioner preferred an appeal before the lower appellate Court in AS No.9/2025 on the file of the Sub Court, Kuzhithurai. In the meanwhile, immediately



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after the final decree, the respondents/plaintiffs filed an execution petition in EP No.15/2024 and exparte delivery was ordered, against which, the petitioner preferred EA No.2/2025 for stay till the order is made ready, however, the said petition is adjourned to 28.03.2025. The appeal is yet to be numbered. Challenging the said exparte delivery, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that the petitioners are aggrieved by the exparte delivery passed by the trial Court, wherein, delivery of possession was confirmed. The petitioners have also filed an appeal against the said judgment and decree and the appeal is yet to be numbered and if the order is not interfered with, there is irreparable loss to be faced by the petitioners and on the sole ground, prays for interference.

4. The learned counsel for the 1st respondent would submit that this Court may issue a direction to the appellate Court to dispose of the appeal suit and till disposal of the appeal, the trial Court may be directed to defer the EP.



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5. I have considered the rival submissions and perused the materials available on record.

6. In view of the above, the lower appellate Court is directed to dispose of the appeal suit within a period of six months from the date of receipt of a copy of this order. In view of the order now passed by this Court, EA No.2 of 2025 filed by the petitioner has become infructuous.

7. With the above direction, the civil revision petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

06.06.2025

NCC : Yes/No
Index : Yes/No
RR



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1. The Principal District Munsif Court, Kuzhithurai.

2. The Section Officer

VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.965 of 2025**

Date : 06/06/2025



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M.DHANDAPANI, J.

The Civil Revision Petition is listed under the caption, 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. It is the grievance of the petitioner that though this Court directed the Court below to dispose the appeal within a stipulated time, execution proceedings has not been deferred and hence, she prays for deferring the execution proceedings till the disposal of the appeal.

3. Accordingly, paragraph No.6 reads as follows:

“6. In view of the above, the lower appellate Court is directed to dispose of the appeal suit within a period of six months from the date of receipt of a copy of this order. Till the disposal of the appeal, the trial Court shall defer the execution proceedings. In view of the order now passed by this Court, EA No.2 of 2025 filed by the petitioner has become infructuous.”

4. The Registry is directed to make necessary corrections in Paragraph No.6 and issue fresh copy of the order.

17.07.2025

RR