



**C.R.P.(PD)(MD).No.1135 and
C.R.P(NPD) (MD) No.1136 of 2025**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1135 of 2025
and
C.R.P.(NPD) (MD) No.1136 of 2025
and
C.M.P(MD) No.6115 of 2025

C.R.P(MD) No.1135 of 2025:

Rasu

... Petitioner/Petitioner/
Appellant

Vs.

1. Arumugam

2. Krishnammal

... Respondents/Respondents
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Principal Sub – Court, Tenkasi to dispose I.A.No.2 of 2025 in C.M.A.No.1 of 2025 within a time frame.

For Petitioner : Mr.C.Mayil Vahana Rajendran



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WEB COPY **C.R.P(MD) No.1136 of 2025:**

Rasu

... Petitioner/Petitioner/
3rd Party/3rd Party

Vs.

1. Arumugam

... 1st Respondent/1st Respondent/
Petitioner/Plaintiff

2. Krishnammal

... 2nd Respondents/2nd Respondent/
Respondent/1st Defendant

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., to set aside the fair and decreetal order made in E.A.No.6 of 2025 in E.P.No.9 of 2018 in O.S.No.44 of 2007 by the District Munsif-cum-Judicial Magistrate Court, Shencottah, dated 20.03.2025

For Petitioner : Mr.C.Mayil Vahana Rajendran

COMMON ORDER

Both the Civil Revision petitions have been filed by a third party to O.S.No.44 of 2007 on the file of the District Munsif-cum-Judicial Magistrate Court, Shencottah.

2. The above said suit has been filed for the relief of declaration of title and recovery of possession. The said suit was decreed on 22.07.2010. The



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decree holder has filed E.P.No.09 of 2018 for taking delivery. Pending delivery, the present revision petitioner has filed E.A.No.1 of 2019 under Order 21 Rule 97 of C.P.C and the same was dismissed on 27.11.2024. Challenging the same, the revision petitioner has filed C.M.A.No.1 of 2025 before the Principal Sub Court, Tenkasi. Along with CMA, the revision petitioner has filed I.A.No.2 of 2025 to stay all further proceedings in E.P. No.9 of 2018. However, the stay petition is still pending and no orders have been passed.

3. In the meantime, the revision petitioner has filed E.A.No.06 of 2025 in E.P.No.9 of 2018 under Order 21 Rule 26 of C.P.C., to stay proceedings pending disposal of C.M.A.No.1 of 2025. The stay petition has been dismissed by an order dated 20.03.2025. Challenging the same, the revision petition has been filed in C.R.P(MD) No.1136 of 2025.

4. The revision petitioner has filed C.R.P(MD) No.1135 of 2025 for expeditious disposal of I.A.No.2 of 2025 in C.M.A.No.1 of 2025.



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5. According to the learned counsel appearing for the revision petitioner, since the stay petition has not been disposed of expeditiously, the delivery is likely to be effected on 09.04.2025.

6. It could be seen from the records that I.A.No.2 of 2025 in C.M.A.No. 1 of 2025 has been adjourned from 27.03.2025 and 23.06.2025. Considering the urgency expressed by the revision petitioner and in the light of the facts and circumstances of the case, this Court is inclined to pass the following orders:

a) The learned Subordinate Judge, Tenkasi is directed to dispose of I.A.No.2 of 2025 in C.M.A.No.1 of 2025 on or before **31.08.2025**;

b) Till such time, all further proceedings in E.P.No.09 of 2018 in O.S.No.44 of 2007 on the file of the District Munsif – cum- Judicial Magistrate, Shencottah, shall be kept in abeyance; and

c) In case, if I.A.No.2 of 2025 in C.M.A.No.1 of 2025 is not disposed of on or before **31.08.2025**, the learned District Munsif – cum –



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Judicial Magistrate, Shencottah, shall proceed with
E.P.No.09 of 2018 in accordance with law.

7. With the above said observations, both the Civil Revision Petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

08.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Sub – Court,
Tenkasi.
2. The District Munsif-cum-Judicial Magistrate Court,
Shencottah.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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