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C.R..P.(MD)Nos.1499 to 1501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1499 to 1501 of 2025
and
C.M.P.(MD)No.7510 of 2025

K.Prabakaran

... Petitioner in all petitions

Vs.

Idol of Arulmigu Kalyana Pasupatheeswara Swamy,
Arulmigu Kalyana Pasupatheeswara
Swamy Devasthanam,
Karur, represented by
its Executive Officer.

... Respondent in all petitions

PRAYER in C.R.P.(MD)No.1499 of 2025: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the petition and order dated 21.03.2025 in E.A.No.4 of 2024 in E.P.No.110 of 2024 in O.S.No. 47 of 2016 on the file of the Principle District Court, Karur.

PRAYER in C.R.P.(MD)No.1500 of 2025: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the petition and order dated 21.03.2025 in E.A.No.5 of 2024 in E.P.No.110 of 2024 in O.S.No. 47 of 2016 on the file of the Principle District Court, Karur.



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PRAYER in C.R.P.(MD)No.1501 of 2025: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the petition and order dated 14.02.2025 in E.P.No.110 of 2024 in O.S.No.47 of 2016 on the file of the Principle District Court, Karur.

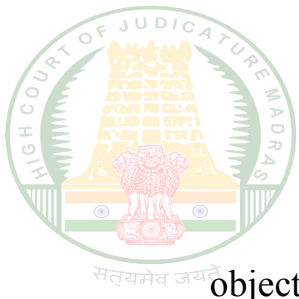
For Petitioner : Mr.H.Lakshmi Shankar

COMMON ORDER

These Civil Revision Petitions are filed challenging the petition and order dated 21.03.2025 in E.A.Nos.4 and 5 of 2024 in E.P.No.110 of 2024 and E.P.No.110 of 2024 in O.S.No.47 of 2016 on the file of the Principle District Court, Karur.

2.Since no adverse order is going to be passed as against the respondent, notice to the respondent is dispensed with.

3.The respondent filed a suit in O.S.No.47 of 2016 on the file of the Principal District Court, Karur for declaration and recovery of possession of the suit property and the said suit was decreed on 19.11.2021 in favour of the respondent. Thereafter, the respondent filed an execution petition in E.P.No. 110 of 2024 and the said petition was allowed. Further, there were some



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objections to execute the decree of the Court, the respondent filed E.A.Nos.4 and 5 of 2024 seeking necessary protection to execute the decree of the trial Court and for removal of encroachment in the suit property. The said applications were also allowed. Challenging the all the above execution proceedings, the petitioner has filed the present Civil Revision Petition.

4.The learned counsel for the petitioner would submit that after filing of these Civil Revision Petitions, the petitioner died on 09.05.2025. He further submits that as against the original decreetal order in O.S.No.47 of 2016, the petitioner has already filed a First Appeal before this Court and the same is pending without numbering. During the pendency of the said appeal in SR stage, the petitioner admitted in the hospital and subsequently died. In the meanwhile, the recovery was ordered by the trial Court. If the order of recovery passed by the trial Court is executed, there would be a great hardship to the family of the petitioner. Hence, he prays that liberty may be granted to the legal heirs of the petitioner to pursue the remedy before the First appellate Court and till such time, this Court may grant an order status quo enabling the legal heirs of the deceased petitioner to get themselves impleaded in the appeal suit filed by the petitioner and pursue their remedy.



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5.Considering the limited request made by the learned counsel for the petitioner and also considering the fact that First Appeal was already filed by the petitioner before this Court and the same is yet to be numbered, this Court grants liberty to the legal heirs of the petitioner to file an application in the pending First Appeal to workout their remedy. The trial Court is directed not to implement the order of recovery for a period of two weeks from the date of receipt of a copy of this order.

6.With the above observation, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2025

Index : Yes / No
Internet : Yes / No
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To

- 1.The Principle District Court, Karur.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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