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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.P.(MD)No.8738 of 2025
in
C.R.P(MD)No.SR 45677 of 2025

Jubitha Ammal (died)
Mohammed Kasim (died)

1.Anwar Ali
2.Abdul Hammed
3.Hasan Mohammed
4.Ashraf Ali
5.Meharunnisha (died)
6.Noorjahan
7.Asina Begam
8.Fysal Ahamed
9.Faiyas Ahamed

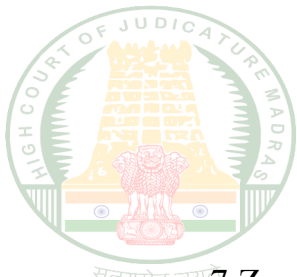
... Petitioners

Vs.

1.Panjali
Ramakrishnan (died)

2.Vijayalakshmi
3.Jayakumar
4.Ravikumar
5.Sathiya
6.Saranya

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7. Zonal Manager,
Indian Oil Corporation Ltd.,
Marketing Division,
No.3, Reshores Salai,
Chokkukulam, Madurai-5.

... Respondents

PRAYER in C.M.P.(MD)No.8738 of 2025: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to accept the cause title.

PRAYER in C.R.P.(MD)No.SR45677 of 2025: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 24.04.2025 made in E.P.No.01 of 2022 in O.S.No.28 of 200 on the file of the District Munsif cum Judicial Magistrate, Papanasam.

For Petitioner : Mr.PT.S.Narendravasan
For Respondents : Mr.S.Deenadhayalan

ORDER

This Civil Miscellaneous Petition is filed seeking to accept the cause title in the main Civil Revision Petition.

2.The Civil Revision Petition is directed as against the fair and decreetal order made in the execution proceedings dated 24.04.2025 in E.P.No.01 of 2022 in O.S.No.28 of 200 on the file of the District Munsif cum Judicial Magistrate, Papanasam.

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3.The learned counsel for the petitioner submits that as against the decree and judgment made in O.S.No.28 of 2000, second appeals are pending in S.A.Nos.1634 and 1635 of 2004. He would further submit that in the second appeals, there is an order of stay. Despite the stay is granted by this Court, the execution proceedings was ordered.

4.The learned counsel for the petitioner fairly submits that the petitioners shall be granted liberty to canvass all the grounds raised in this petition in the pending second appeal.

5.In view of the above said submission, this Civil Miscellaneous Petition is dismissed with liberty to the petitioners to work out their remedy in the manner known to law. It is made clear that the execution proceedings is subject to the result of the pending second appeal. Consequently, the Civil Revision Petition is also rejected at the SR stage itself. No costs.

13.06.2025

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

1. The District Munsif cum Judicial Magistrate, Papanasam.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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C.M.P.(MD)No.8738 of 2025
in
C.R.P(MD)No.SR 45677 of 2025

13.06.2025