



C.R.P.(PD)(MD)No.1609 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1609 of 2022

and

C.M.P.(MD) No.6974 of 2022

Chandrasekaran

... Petitioner

Vs.

Nagarajan

...Respondent

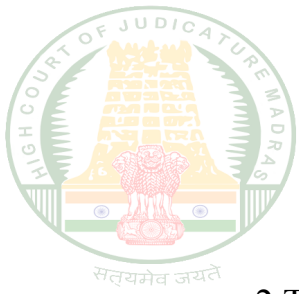
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 14.07.2022 made in E.P.No.46 of 2006 in O.S.No.14 of 2004 on the file of the Sub Court, Pattukottai, Thanjavur District.

For Petitioners : Mr.V.Muthukamatchi

For Respondent : Mr.M.P.Senthil

ORDER

This Civil Revision Petition is filed challenging the order dated 14.07.2022 made in E.P.No.46 of 2006 in O.S.No.14 of 2004 on the file of the Sub Court, Pattukottai, Thanjavur District.



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2.This Civil Revision Petition is filed challenging the docket order dated 14.07.2022 stating that the stay order granted on 14.12.2006 was not subsequently extended and hence, there is no impediment for the trial Court to proceed with the trial proceedings.

3.The learned counsel for the petitioner submits that as against the judgment and decree, the petitioner filed an appeal in S.A.(MD)No.864 of 2006 and obtained an order of interim stay until further orders. Hence, there is no need for the petitioner to obtain any extension of interim order granted by this Court. The trial Court without taking note of the said fact, had proceeded to dispose of the execution petition filed by the respondent to execute the judgment and decree granted in the original suit. Hence, the petitioner seeks appropriate orders.

4.Perusal of the interim order granted by this Court in S.A.(MD)No.864 of 2006, shows that the interim order is extended until further orders and the second appeal is still pending. When the interim order of stay granted by this Court is in operation as against the judgment and decree granted in the original suit, the trial Court could not proceed with the execution proceedings filed to execute the said judgment and decree. The trial Court has misconstrued the



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order of this Court as if the interim order is time bounded. Hence, the docket order issued by the trial Court is hereby set aside and the trial Court is directed to defer the execution proceedings till the disposal of the second appeal.

5.This Civil Revision Petition is allowed on the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

15.07.2025

Index : Yes/No
Internet : Yes / No
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To

1.The Sub Court, Pattukottai, Thanjavur.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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