



CRP(MD). No.1935 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1935 of 2025
and CMP(MD) No.11069 of 2025**

1. Murugan
2. Jeyaraj
3. Rukmani
4. Chandra

... Petitioners

Vs

- Kanthasamy(Died)
1. Naranamm
 2. Kavuri
 3. Veerasamy

... Respondents

PRAYER :- Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order of the District Munsif Judge, Kovilpatti in E.P.No.26/2022 in O.S.No.62/2011 dated 03.06.2023 on the file of the District Munsif Judge, Kovilpatti.

For Petitioner : Mr.M.Prabu
For Respondents : No appearance

ORDER

The Civil Revision Petition has been filed against the fair and decreetal order dated 03.06.2023 in E.P.No.26/2022 in O.S.No.62/2011 of the District Munsif Judge, Kovilpatti.



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2.The petitioners are the defendants in the partition suit filed by the respondents/plaintiffs in OS No.62/2011 and the said suit was decreed on 05.12.2012 against which, the petitioners preferred an appeal in AS No.16/2017 and the same was dismissed on 06.12.2021, against which, second appeal in SA No.177/2023 has been preferred and the same is pending. While so, the respondents filed EP No.26/2022 and the EP was ordered on 03.06.2023. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel for the petitioner would submit that when the second appeal is pending before this Court, the trial Court ought to have adjourned the matter till the second appeal is disposed of. However, the trial Court hurriedly proceeded with the execution proceedings and order for execution. On the sole ground, the learned counsel prays for interference.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.



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5. It is seen that the petitioner lost his case before the trial Court as well as before the lower appellate Court and the second appeal is pending and in the absence of any restrained order to proceed with the execution proceedings, the trial Court rightly proceeded with the execution proceedings. Hence, the execution order need not be interfered with. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to work their remedy in the pending second appeal. No costs. Consequently connected Miscellaneous Petition is closed.

15.07.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Munsif Judge, Kovilpatti.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
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