



C.R.P.(PD)(MD).No.1928 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1928 of 2025

and

C.M.P.(MD)No.11009 of 2025

K.Pandi

... Petitioner

Vs.

Shanmugam Chettiar (died)

- 1.Kamalam
- 2.Karunanidhi
- 3.Meyyamai
- 4.Parvathi
- 5.Chinnan Cheti
- 6.Nagappan Chettiar

- 7.The Manager,
SIDCO,
Kappalur,
Madurai-8.

... Respondent

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the docket order passed in E.P.No.12 of 2023 dated 18.06.2025 in O.S.No.984 of 2017 on the file of the Sub Court, Thirumangalam.



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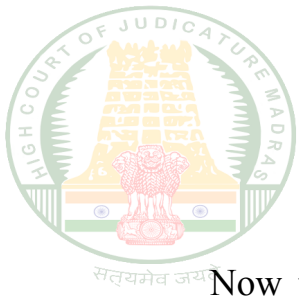
For Petitioner : Mr.A.R.Kannappan

ORDER

This Civil Revision Petition is filed challenging the docket order passed in E.P.No.12 of 2023 dated 18.06.2025 in O.S.No.984 of 2017 on the file of the Sub Court, Thirumangalam.

2.The petitioner is the first defendant in the suit filed for recovery of possession in O.S.No.984 of 2017 on the file of the Sub Court, Thirumangalam. The said suit was decreed in the year 2020. An appeal was also filed as against the said judgment and decree and the appeal suit was also dismissed on 30.06.2025. Thereafter, before the expiry of the limitation period for filing second appeal, the execution petition was filed in E.P.No.12 of 2023 and in that petition, on 16.07.2025 an order was passed stating that 'no further adjournment will be granted'. Challenging the said docket order, the petitioner has filed this petition.

3.The learned counsel for the petitioner submits that the petitioner suffered a decree before the trial Court as well as the Lower Appellate Court.



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Now the petitioner prefers to file a second appeal before this Court under Section 100 of CPC. However, before the expiry of the limitation period, the trial Court is proceeding with the execution proceedings. Hence, the petitioner seeks appropriate orders.

4.Considering the nature of the order proposed to be passed in this petition, notice to the respondents is dispensed with.

5.Admittedly, the suit filed as against the petitioner for recovery of possession has been decreed and the appeal suit filed by the petitioner challenging the said decree was also dismissed. The petitioner also prefers to file a second appeal as against the said decree and judgment.

6.In view of the above, the trial Court is directed to defer the execution proceedings till 14.08.2025 enabling the petitioner to file a second appeal and obtain any restraint order as against the respondents. If the petitioner failed to obtain any restraint order within such time, the trial Court shall proceed with the execution proceedings in accordance with law.



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7. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2025

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

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



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M.DHANDAPANI,J.

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