



C.R..P.(NPD)(MD).No.675 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.675 of 2025

and

C.M.P(MD) No.3619 of 2025

Narayanamoorthy

... Petitioner/Respondent/
Defendant

Vs.

Pazhani

... Respondent/Petitioner
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 12.11.2024 made in E.P.No. 31 of 2024 in O.S.No.126 of 2019 on the file of the Sub Court, Thiruchendur.

For Petitioner : Mr.V.Shathurthi Raja

ORDER

The Judgement debtor in O.S.No.126 of 2019 on the file of the Sub Court, Thiruchendur, is the revision petitioner herein.



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2. The above said suit has been filed for the relief of declaration of title and recovery of possession. The suit was decreed by the trial Court challenging the said decree, the defendant has filed A.S.No.10 of 2024 and the same is pending before the Principal District Court, Tuticorin. Along with the appeal, the defendant has filed I.A.No.2 of 2024 to stay the decree of the trial Court. So far the stay application has not been disposed of.

3. In the meantime, the decree holder has filed E.P.No.31 of 2024 to take delivery of the property. The said application was resisted by the judgment debtor on the ground that the first appeal is pending before the Principal District Court, Tuticorin. The learned Subordinate Judge has proceeded to allow the execution petition on the ground that so far the judgment debtor has not obtained any interim orders from the first appellate Court. Challenging the same, the present Civil Revision Petition has been filed.

4. The facts narrated above will clearly indicate that the trial Court has proceeded to allow the delivery application on the ground that the judgment debtor has not obtained the stay orders from the first appellate Court.



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5. Therefore, this Court does not find any error in the said order. The learned Principal District Judge, Tuticorin, is directed to dispose of I.A.No.2 of 2024 in A.S.No.10 of 2024 on or before **30.04.2025**.

6. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

06.03.2025

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

1. The Sub Court, Thiruchendur.
2. The Principal District Court,
Tuticorin.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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