



C.R.P.(MD) No.663 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P. (MD) No.663 of 2026

Muthaiah Thevar (died)
Murugan

... Petitioner

Vs.

1.Chokkalingam

2.Senthattipandian

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Sub Judge, Srivilliputhur, to dispose the case in E.P.No.8 of 2025 in O.S.No.675 of 2023 within a period stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi

ORDER

This Civil Revision Petition seeks for expeditious disposal of E.P.No.8 of 2025 and O.S.No. 675 of 2023 on the file of the Principal Subordinate Judge at Srivilliputthur.



C.R.P.(MD) No.663 of 2026

2. Taking note of the pleas made by the Decree Holder, I called for a report from the learned Subordinate Judge at Srivilliputthur. The learned Subordinate Judge has sent a report on 16.03.2026. A perusal of the report shows that the Judgement Debtor had filed a stay application in E.A.No.1 of 2025 seeking to stay all further proceedings till the disposal of A.S.No.15 of 2025 on the file of the Additional District Court at Srivilliputthur. The report further reveals that the said stay application was dismissed on 03.07.2025. Thereafter, on account of the pendency of A.S.No.15 of 2025 and the stay petition filed therein, the execution petition has been adjourned repeatedly. It is posted to 09.06.2026.

3. The report reveals that no stay has been granted either by the appellate Court or by the Executing Court in terms of the Code of Civil Procedure.



C.R.P.(MD) No.663 of 2026

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4. As per Order 41 Rule 5(1), mere pendency of an appeal will not operate as a stay of execution. When the provision of law is so clear, I fail to understand as to why the learned executing Judge is adjourning the matter on account of the pendency of the appeal. Hence, there shall be a direction to the executing Court to proceed further with the execution without waiting any further.

5. The execution petition shall be deferred only if the learned Additional District Judge, Srivilliputhur, before whom the appeal is pending, directs that the decree be kept in abeyance. The executing Court shall remember the directions given by the Supreme Court in Periyammal v. V.Rajamani, 2025 INSC 329, and shall ensure that the benefit of the decree is granted to the decree holder at the earliest.



C.R.P.(MD) No.663 of 2026

WEB COPY 6. Accordingly, this Civil Revision Petition is disposed of. No Costs.

18.03.2026

PJL

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

PJL

To
The Principal Sub Judge, Srivilliputhur.



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C.R.P.(MD) No.663 of 2026

V.LAKSHMINARAYANAN, J.

PJL

C.R.P. (MD) No.663 of 2026

18.03.2026