



C.R.P.(MD).No.1316 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.1316 of 2026
and C.M.P(MD).No.6219 of 2026

Geetha Devi

... Petitioner

Vs.

Indhurani (died)
1.Prabhu Rengarajan
2.Kanchanadevi
3.Vennila

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 12.02.2026 made in E.P.No.205 of 2022 in O.S.No.15 of 2019 on the file of the Subordinate Court, Theni and allow the civil revision petition.

For Petitioner : Mr.Logesh kumar

ORDER

This revision challenges the order of delivery passed by the learned Subordinate Judge, Theni, in E.P.No.205 of 2022 in O.S.No.15 of 2019.

2.The only ground on which the delivery order was resisted by the judgment-debtor was that a second appeal had been filed before this Court in S.A.SR(MD).No.80436 of 2024. The learned trial Judge refused to accept this as a reason and ordered delivery.



C.R.P.(MD).No.1316 of 2026

3. When I took up the revision, Mr. Logesh Kumar represented that delivery has already been effected by the trial Court. He says that the delay in filing the second appeal has been condoned today by this Court.

4. Be that as it may, the position of law is clear. Mere pendency of a second appeal will not amount to grant of stay of execution. In this case, no second appeal had been instituted, but it had merely been presented. The fact that the second appeal was pending in the SR stage will not prevent the Executing Court from proceeding further. In any event, as the delivery has been taken, this revision is rendered infructuous. Needless to add, in the event of success in the second appeal, the plaintiff would be entitled to all the remedies, including that of restitution.

5. With the above observations, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

02.06.2026

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

To

1. The Subordinate Judge, Theni.

2. The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(MD).No.1316 of 2026

V.LAKSHMINARAYANAN,J.

Rmk

C.R.P.(MD).No.1316 of 2026

02.06.2026