



CRP(MD). No.2708 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.2708 of 2025 and
CMP(MD).No.15900 of 2025

Malaiveeranan Ambalam

... Petitioner

Vs

Pandi

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in E.A.No.1 of 2025 in E.P.No.23 of 2018 dated 25.08.2025 in O.S.No.123 of 2015 on the file of the Principal District Munsif Court, Thirumangalam.

For Petitioner : Mr.Vijay Anand
for Mr.S. Prabu

For respondent : Mr.Yokeshwaran
Legal aid counsel

ORDER

This Civil Revision Petition has been filed to set aside the order



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passed in E.A. No. 1 of 2025 in E.P. No. 23 of 2018 dated 25.08.2025 in O.S. No. 123 of 2015 on the file of the Principal District Munsif Court, Thirumangalam.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The revision petitioner is the judgment debtor in the suit in O.S. No. 123 of 2015. The learned counsel appearing for the revision petitioner submitted that an appeal has been filed in CMA No. 4 of 2026. His contention is that the trial court proceeded without awaiting the outcome of the CMA. Therefore, he prayed for an interim stay of all further proceedings on the ground that there is a strong likelihood of success in the CMA, and that if delivery is ordered before the CMA is decided, the revision petitioner would suffer irreparable loss of his valuable rights.

4. In a catena of cases, the Honourable Supreme Court has held



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that there is no impediment or embargo on the execution court to proceed with execution proceedings merely because an appeal is pending in a higher forum, in the absence of any interim order specifically staying the execution. In other words, the execution court is fully empowered to continue proceedings unless the appellate court issues a restraining order.

5. Per contra, Mr. Yokeshwaran, Legal Aid Counsel appearing for the respondent, submitted that CMA was filed but no interim order was granted. Therefore, there is no legal basis to restrain or stay the execution proceedings.

6. In view of the settled legal position, the present Civil Revision Petition is dismissed for want of merits. No costs. Consequently, the connected Miscellaneous Petition is closed.

7. Despite service of notice, the respondent did not appear before this Court. This Court appointed Mr. Yokeshwaran as Legal Aid Counsel and places on record its appreciation for the effective assistance rendered



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by the learned Legal Aid Counsel. The Legal Services Authority is directed to pay a sum of Rs. 10,000/- (Rupees Ten Thousand only) to the Legal Aid Counsel within a period of two weeks from the date of receipt of a copy of this order.

25.02.2026

TRP

Index : yes/ no

Internet : yes / no

TO

The Principal District Munsif Court, Thirumangalam.



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N. SENTHILKUMAR,J

TRP

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