

C.R.P. (MD) No. 1091 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.D.AUDIKEVALU

C.R.P. (MD) No. 1091 of 2024

and

C.M.P. (MD) No. 6060 of 2024

O.RAJENDRAN @ RAJA

... PETITIONER/RESPONDENT/
DEFENDANT

Vs

R.VIGNESHWAR @ VIGNESH

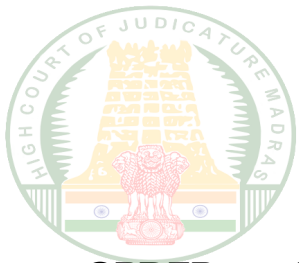
... RESPONDENT/PETITIONER/
PLAINTIFF

Civil Revision Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order dated 09.02.2024 made in IA No.01 of 2023 in OS No.385 of 2021 on the file of Principal Sub Court, Dindigul and thus render justice.

Prayer in CMP(MD). 6060/ 2024 :

To grant an Interim Stay the order dated 09.02.2024 made in IA No.01/2023 in OS No.385/2021 on the file of the Principal Sub Court, Dindigul pending disposal of the above CRP and thus render justice.

<https://www.mhc.tn.gov.in/judis>



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ORDER : This Civil Revision Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SURIYA NARAYANAN, Advocate for the petitioner, the court made the following order:-

Notice to the Respondent returnable by 07.06.2024. Private notice is also permitted.

2.The Principal Sub-Court, Dindigul shall send the scanned/digitized/photocopy of the entire records in O.S. No. 385 of 2021 and I.A. No. 01 of 2023 along with connected applications to this Court, in terms of the Circular in R.O.C. No. 27484/2018/F1 dated 18.06.2018 issued by the Registry of this Court.

3.It is contended that an Advocate Commissioner has been appointed for dividing the property by metes and bounds appointed in the final decree application, when the application to set aside the exparte preliminary decree with application to condone delay in its filing is pending before the Trial Court.

4.In such circumstances, the Trial Court shall send a report as to whether there is any impediment for conducting further proceedings in the application to condone the delay in setting aside the exparte preliminary decree passed in the suit.



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5. There shall be a stay of all further proceedings for passing final decree in I.A. No. 01 of 2023 in O.S. No. 385 of 2021 until further orders from this Court.

Post the matter on 07.06.2024.

/ TRUE COPY /

sd/-
26/04/2024

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM
TO
THE PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-5245[I] dated 30/04/2024)

ORDER
IN
C.R.P. (MD) No. 1091 of 2024
and
C.M.P. (MD) No. 6060 of 2024
Date :26/04/2024

SA/ED/SAR. /14.05.2024/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.