



C.R.P.(NPD)(MD)No.1754 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 08.07.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**C.R.P.(NPD)(MD)No.1754 of 2026**  
**and C.M.P.(MD)No.8464 of 2026**

G.V.Kumaresan

... Petitioner

Vs

M.Brintha (Died)  
1. O.J.Hamshini

2.P.A.sobanarani

... Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order passed in E.P.No.106 of 2025 in R.C.O.P.No.68 of 2018, on the file of the Principal District Munsif Court, Madurai Town, dated 10.06.2026.

For Petitioner

: Mr.M.C.Swamy for  
Mr.G.Rajaram

**ORDER**

This Civil Revision Petition is filed challenging the order passed by the Executing Court allowing the Execution Petition filed by the respondent for seeking execution of the eviction order.



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2. It is not in dispute that the respondents/landlords filed a rent control eviction petition against the petitioner in R.C.O.P.No.68 of 2018. The petitioner herein suffered an order of eviction. The said order of eviction was put into execution by the respondents/landlords in E.P.No.106 of 2025. After hearing the parties, the EP was allowed by ordering delivery. Aggrieved by the said order, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would vehemently contend that challenging the eviction order passed against petitioner, he already moved rent control authority in R.C.A.No.23 of 2025 and in spite of filing a stay petition in I.A.No.2 of 2025, the same has not been taken up for consideration. Hence, the Executing Court ought not to have passed the impugned order of delivery when the appeal is pending before the Rent Control appellate authority.

4. It is settled law, merely because an appeal is pending before the appellate authority, the Executing Court need not stay the proceedings, unless the petitioner is able to get an interim stay of further proceedings in EP. In the case on hand, admittedly, the petitioner failed



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to get any interim stay from the appellate Court and therefore, the executing Court left with no other alternative but to proceed with the execution proceedings. In the absence of any stay by the appellate authority, the Executing Court rightly considered the execution petition and pass order for delivery and the petitioner has not made out any case to interfere with the impugned order passed by the Executing Court.

5. If it is the case of the petitioner that the stay petition filed by him has not been taken up for consideration by the first appellate Court, the petitioner could have moved this court seeking direction to the first appellate Court to dispose the stay petition well in advance. Instead of doing so, the petitioner after ordering delivery and after obtaining certified copy of the impugned order dated 10.06.2026, belatedly, moved this Court at the last minute. Since I don't find any irregularity or illegality in the order, this Civil Revision Petition is dismissed. There shall be order as to costs. Consequently, connected miscellaneous petition is closed.

**08.07.2026**

NCC : Yes / No  
Index : Yes / No



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**S.SOUNTHAR, J.**

vsm

To

1. The Principal District Munsif Court,  
Madurai Town
2. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

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