



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (PD) (MD) No.2665 of 2016

and

C.M.P (MD) No.12517 of 2016

Ganesan

..Petitioner/Landlord

-vs-

Razia Banu

.. Respondent/Decree Holder

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order and decree dated 26.10.2016 made in E.P.No.102 of 2009 in R.C.O.P.No.5 of 2002 on the file of the Rent Controller cum Principal District Munsif, Kumbakonam.

For Petitioner

: Mr.G.Gomathisankar

ORDER

This Civil Revision Petition arises out of the order passed in E.P.No.102 of 2009 in R.C.O.P.No.5 of 2002 on the file of the Rent Controller cum Principal District Munsif, Kumbakonam.

2.The respondent as landlord initiated eviction proceedings against the petitioner in R.C.O.P.No.5 of 2002. After contest, the learned Rent Controller, ordered eviction, which was confirmed by the appellate authority. Challenging the concurrent finding, the petitioner seems to have filed the revision in C.R.P(MD) No.2603 of 2010. Based on the eviction order, the respondent/landlord laid an execution petition in the year 2009. Since there is no stay in the revision, the Executing Court has ordered delivery. Challenging the said order, the present Civil Revision Petition is filed.

3.Heard Mr.G.Gomathisankar, learned counsel for the petitioner and perused the records.

4.It is not in dispute that the petitioner has preferred the revision against the concurrent finding. Though this Court has granted interim stay for limited period in the year 2010, the order was not extended subsequently. Hence, the Executing Court ordered delivery by observing that there is no stay of execution of the decree.



5. In view of the above facts, I do not find any merit in this revision.

6. In the result, this Civil Revision Petition is dismissed. The Executing Court is directed to dispose of the E.P.No.102 of 2009 in R.C.O.P.No.5 of 2002, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

The Rent Controller cum
Principal District Munsif, Kumbakonam.

C.R.P. (PD) (MD) No. 2665 of 2016

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