

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(NPD). No.1870 of 2017 and  
CMP No.8983 of 2017

C.Narayanan,  
Proprietor of Iswaryam Electrical and  
Plumbing works,  
No.2/6, Yerikarai Street, Elango Nagar,  
Virugambakkam, Chennai-600092

..Petitioner

Vs.

K.E.Kadumbadi

..Respondent

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the faire and decreetal order dated 05.06.2017 passed in EA.No.47/2017 in EP.No.88/2017 in RCOP.No.685/2015 by the X Small Causes Court, Chennai.

For petitioner : Mr.S.Arivalagan

**ORDER:**

According to the petitioner, the respondent filed RCOP

No.685 of 2015 under Section 10 (2) (iii) and 10 (3) (a) (iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act. By Judgment and Decree dated 24.10.2016, the aforesaid RCOP was allowed for eviction by the Rent Control Authority. Aggrieved by the aforesaid order, the petitioner filed an appeal in RCA No.603 of 2016 along with a stay application in MP.No.118 of 2017 and the same is pending before the VIII Small Causes Court, Chennai. The aforesaid stay application was taken for hearing before the court and respondent / decree holder entered appearance and the same was adjourned for filing counter affidavit. In the meantime, the petitioner filed an application in E.A.No.47 of 2017 to stay the E.P. proceedings pending disposal of the stay application in MP.No.118 of 2017. The said application was dismissed on 05.06.2017 against which the petitioner has preferred this Civil Revision Petition before this Court.

2. The learned counsel for the petitioner would submit that in the application in MP.No.118 of 2017 in RCA No.603 of 2016, the appellate court has reserved "for orders". In the said application, the petitioner seeks to stay the EP proceedings till the orders pronounced in the aforesaid appeal.

3. It is clearly seen from the submissions made by the learned counsel for the petitioner that the petitioner has filed a stay application in MP.No.118 of 2017 before the appellate court in the aforesaid RCA No.603 of 2016. The petitioner has not furnished any particulars of the pendency of the said application before the Appellate Court, however, the learned counsel for the petitioner would submit that in the said application, arguments of both sides has been concluded and posted for judgment. At this stage, this court is not inclined to entertain the present Civil Revision Petition. It is for the petitioner to work out his remedy before the appellate court.

4. The Civil Revision Petition is dismissed with above observations. Consequently, connected miscellaneous petition is closed. No costs.

**13.06.2017**

lok  
(Note: Issue order copy on 14.06.2017)

**D.KRISHNAKUMAR.J,**

lok

To  
The X Small Causes Court,  
Chennai.

CRP.(NPD). No.1870 of 2017 and  
CMP No.8983 of 2017

**13.06.2017**

**<http://www.judis.nic.in>**