

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP.NPD.No.4296 of 2017
and CMP.No.20205 of 2017

P.Thara

..Petitioner

Vs.

M.Gurunathan

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of the Civil Procedure Code to set aside the docket order of the learned Rent Controller (District Munsif), Thiruvottiyur dated 05.10.2017 passed in EP.No.15 of 2015 in RCOP.No.30 of 2012.

For petitioner : Mr.R.Venkatavarathan
for M/s.N.Alamelu Mangai

For Respondent : Mrs.Poornima

ORDER:

According to the petitioner, the petitioner has filed an appeal in RCA.No.14 of 2017 before the Rent Control Appellate Authority. Along with the appeal the petitioner has also filed a petition in MP.No.2 of 2016 to stay further proceedings in EP.No.15 of 2015 in RCOP.No.30 of 2012. Notice has been ordered and it is coming up for hearing on 22.12.2017. In the meantime, the execution court has ordered delivery of possession in the above EP. Challenging the order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. Mrs.Poornima, learned counsel for the sole respondent takes notice. The learned counsel for the respondent would submit that the petitioner has filed the stay application only to protract the execution order passed in the above EP. Therefore, the present Civil Revision Petition is liable to be dismissed.

3. Heard, the learned counsel for the petitioner, the learned counsel for the respondent and perused materials available on record.

4. According to the petitioner, the petitioner has filed an appeal in RCA.No.14 of 2017 along with stay petition. In the stay petition, notice has been ordered and the case is posted for hearing on 22.12.2017. The learned counsel for the petitioner would submit that the execution court, without considering the fact notice has been ordered by the Rent Control Appellate Authority in the stay petition, has ordered delivery of possession. Further, the learned counsel for the petitioner requests this Court to give appropriate direction to the Rent Control Appellate Court on 22.12.2017 for disposal of the stay petition, till then the respondent shall not dispossess the petitioner.

5. In view of the above, the learned counsel for the respondent undertakes that the respondent will not precipitate the matter before the executing court till 22.12.2017. In the meantime, the learned counsel for the respondent undertakes that the respondent will file counter affidavit in the aforesaid stay application pending before the Appellate court.

6. In view of the submissions made by the learned counsel for the parties, both the parties are directed to cooperate before the Appellate court for disposal of MP.No.2 of 2016 filed along with RCA.No.14 of 2017. Further, the Appellate court is directed to hear the stay application on or before 22.12.2017 and thereafter to pass appropriate orders in accordance with law without granting any further adjournments.

7. The Civil Revision Petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

lok

To

The learned Rent Controller
(District Munsif), Thiruvottiyur

+ 1 cc to M/s.N.Alamelu Mangai Advocate,SR.83870

+ 1 cc to Mrs.Poornima, Advocate,SR.83628

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NR 28/11/2017



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