

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.6207 of 2016

ORDER:

The short grievance with which the petitioner/tenant has come up with this revision is that since no orders are passed on the stay petition, pending a regular appeal arising out of an order of eviction, the respondent is attempting to proceed with execution.

2. Heard the learned counsel on both sides.

3. Admittedly, the petitioner has filed a regular appeal in RCCMA No.31 of 2016 as against the order of eviction passed in RCC No.30 of 2015. The petitioner has also filed an application for stay in I.A.No.1036 of 2016 for stay of the order of eviction. Only notice was ordered in the stay petition and the advance hearing petition was dismissed.

4. But that is not the way to deal with an application for stay pending a regular appeal against an order of eviction. The appellate Court cannot defeat the statutory right of appeal conferred upon one of the parties, by such methods. Therefore, the Civil Revision Petition is allowed directing the Rent Controller-Appellate Authority to dispose of the stay petition within a period of four weeks. Till the disposal of the stay petition, there will be an interim stay of the order of eviction as passed by the Rent Controller.

5. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

20th January, 2017
Js.

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Date: 20-01-2017

Js.