

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4624 of 2017
& C.M.P.No.21761 of 2017

N.Iqbal Ahmed

.. Petitioner

Vs.

The Periyar Maniammai Institute
of Science and Technology
formerly known as Periyar Maniammai
Educational and Charitable Society
Represented by its President K.Veeramani
Periyar Thidal, Door No.50
EVK Sampath salai, Vepery
Chennai-600 007.

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 04.12.2017 made in E.A.No.2164 of 2007 in E.P.No.1901 of 2017 in O.S.No.4408 of 2011 on the file of the IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Abdul Mubeen
For Respondent : Mr.P.Gunaraj

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 04.12.2017 made in E.A.No.2164 of 2007 in E.P.No.1901 of 2017 in O.S.No.4408 of 2011 on the file of the IX

Assistant City Civil Court, Chennai.

2.This Court granted interim stay of execution of judgment and decree dated 31.01.2017 made in O.S.No.4408 of 2011, which was filed by the respondent, on the file of the XVI Assistant City Civil Court, Chennai, on the ground that the petitioner has already filed First Appeal A.S.No.138 of 2017 on the file of the VII Additional Judge, City Civil Court, Chennai and C.M.P.No.751 of 2017 for stay of the judgment and decree dated 31.01.2017 passed in O.S.No.4408 of 2011. This Court directed the learned First Appellate Judge/VII Additional Judge, City Civil Court, Chennai, to dispose of the C.M.P.No.751 of 2017 for stay within a period of two months from the date of receipt of a copy of that order.

3. Both the learned counsel for the petitioner and respondent have submitted that the respondent has filed counter affidavit and the said C.M.P. is posted for hearing on 14.03.2018. In view of the said submission made by the learned counsel for the petitioner as well as the respondent, the learned VII Additional Judge, City Civil Court, Chennai, is directed to hear the petition C.M.P.No.751 of 2017 filed by the petitioner on 14.03.2018 without giving any adjournments and pass orders on or before 30.04.2018 and file

compliance report before this Court. There will be an order of stay of execution of judgment and decree dated 31.01.2017 made in O.S.No.4408 of 2011 on the file of the XVI Assistant City Civil Court, Chennai, till the disposal of C.M.P.No.751 of 2017 on merits i.e. Till 30.04.2018.

4.The learned counsel for the respondent submitted that in the First Appeal A.S.No.138 of 2017, records have been received and hence direction may be issued to the learned VII Additional Judge, City Civil Court, Chennai, to dispose of the First Appeal within the time stipulated by this Court. The learned VII Additional Judge, City Civil Court, Chennai, is directed to dispose of the said appeal within a period of four months from 30.04.2018.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.03.2018

Index : Yes/No

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V.M.VELUMANI, J.

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To

1. IX Assistant Judge, City Civil Court, Chennai.
2. XVI Assistant Judge, City Civil Court, Chennai.
- 3.VII Additional Judge, City Civil Court, Chennai.



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