

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**Civil Revision Petition (PD) No.230 of 2018**
and
C.M.P.Nos.1331 and 1332 of 2018

Mr.Kathavarayan

... Petitioner

..Vs..

Thirumazhisai and
Thiru Nageswaran Nadu
Perur-Situru Sengundar Trust
Rep by its Secretary and
Joint Secretary

- 1.Mr.Kuppusamy Sengundhar
- 2.Mr.Thanikachalam Sengundhar

... Respondents

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the order made in E.P.No.22 of 2011 in O.S.No.170 of 2006, dated 6.9.2017 by the District Munsif Court, Thiruvotriyur to set aside the same.

For petitioner : Mr.V.P.Rajendran

ORDER

Challenging the order dated 6.9.2017 made in E.P.No.22 of 2011 in O.S.No.170 of 2006, by the District Munsif Court, Thiruvotriyur, the present

revision petition has been filed.

2. The respondent has filed a suit in O.S.No.170 of 2006 on the file of the District Munsif Court, Tiruvottiyur, praying for delivery of vacant possession. The aforesaid suit was decreed on 16.12.2009.

3. The respondent has filed E.P.No.2 of 2011 in the aforesaid suit under Order 21, Rule 35 of C.P.C to direct the judgment debtor to deliver vacant possession. The petitioner contended before the Execution Court that he has filed an appeal suit and the same is yet to be numbered.

4. The Court below, after considering the submissions made by both parties, allowed the application holding that the petitioner has not produced any particulars regarding the appeal suit filed by him and that there is no ground to order stay of the execution proceedings.

5. The learned counsel for the petitioner submitted that the petitioner is now taking steps to number the appeal suit.

6. It is, thus, clear that petitioner has not taken any steps till now to get the appeal suit numbered and to obtain an order of stay, though the decree was

passed on 16.12.2009.

7. In view of the above, this Civil Revision Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

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To

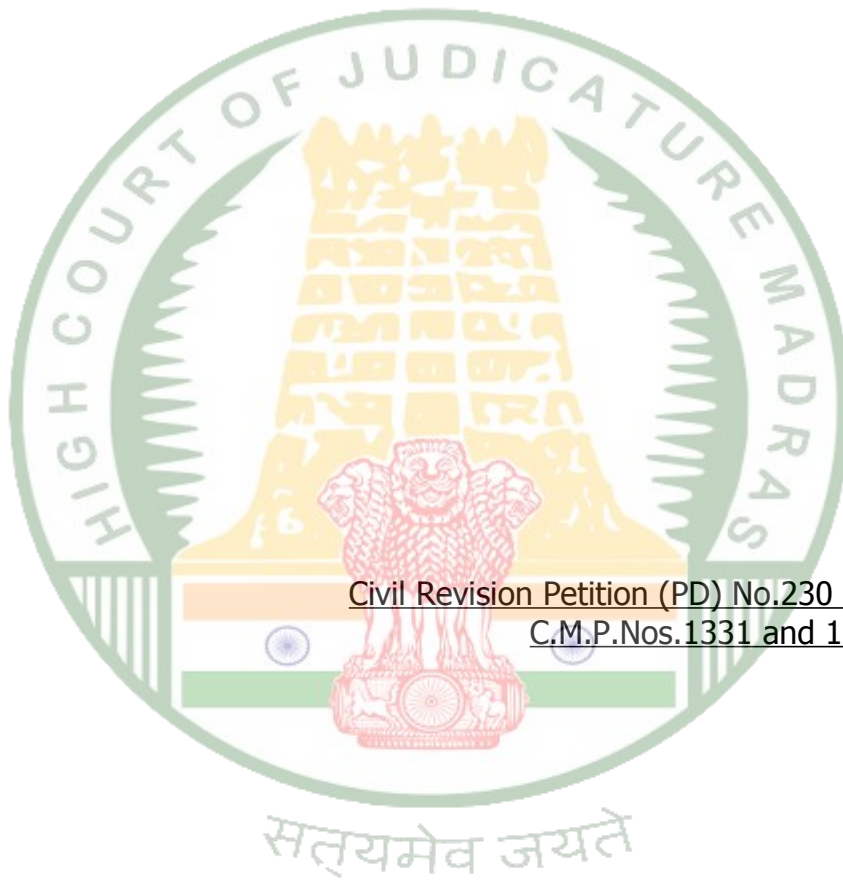
The District Munsif Court, Thiruvotriyur



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D.KRISHNAKUMAR, J.,

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