

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CIVIL REVISION PETITION (NPD) No.653 of 2018
and
C.M.P.No.3383 of 2018

Mr.S.Appan .. Petitioner

vs

1.Mrs.G.Mahalakshmi

2.Mr.G.Radhakrishnan

3.Mrs.R.Parvathi .. Respondents

The Civil Revision Petition filed under Section 115 of CPC to set aside the fair order dated 09.02.2018 passed by the Hon'ble Registrar, Small Causes Court, Chennai in E.A.No.SR10914 of 2018 in E.P.No.815 of 2012 in Ejectment Suit No.27 of 2007 and pass appropriate orders.

For Petitioner ... Mr.P.Balamurugan

For Respondents ... Mr.G.Thiagarajan

ORDER

The Civil Revision Petition has been filed to set aside the fair order 09.02.2018 passed by the Hon'ble Registrar, Small Causes

Court, Chennai in E.A.No.SR10914 of 2018 in E.P.No.815 of 2012 in Ejectment Suit No.27 of 2007.

2.The learned counsel for the petitioner submitted that the petitioner has filed a petition in E.A.No.SR10914 of 2018 in E.P.No.815 of 2012 in Ejectment Suit No.27 of 2007 under Order 21 Rule 26 of CPC before the Registrar, Small Causes Court, Chennai on 08.02.2018 to stay the proceedings of E.P.No.815 of 2012 and the said petition was rejected as not maintainable by order dated 09.02.2018.

3.The learned counsel for the petitioner further submitted that the petitioner has already taken steps to file a Special Leave Petition before the Hon'ble Supreme Court as against the order dated 20.11.2017 passed in C.R.P.(NPD)No.125 of 2013. Hence, he seeks four weeks time to get appropriate orders from the Hon'ble Supreme Court, till such time, he requested this Court to stay the execution proceedings in E.P.No.815 of 2012 in Ejectment Suit No.27 of 2007 for a period of four weeks.

4.The learned counsel for the respondents submitted that the respondents have no objection for granting four weeks time. If the petitioner fails to get any order within the aforesaid period, liberty may

be granted to the respondents to proceed with the execution proceedings in accordance with law.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for both sides, this Court is inclined to pass the following order:

"(i)The order dated 09.02.2018 passed in E.A.No.SR10914 of 2018 in E.P.No.815 of 2012 in Ejectment Suit No.27 of 2007 is set aside and granted stay of the execution petition for a period of four weeks from today as per the undertaking affidavit filed by the revision petitioner. Thereafter, the respondent is at liberty to proceed E.P. in accordance with law.

(ii)The Civil Revision petition is allowed with the above said directions. No costs. Consequently, connected miscellaneous petition is closed."

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26.02.2018

Speaking/Non Speaking order.
Index: Yes/No.
cla

D.KRISHNAKUMAR,J.
cla

To

The Registrar,
Small Causes Court,
Chennai.



C.R.P.(NPD)No.653 of 2018

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Dated: 26.02.2018