

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P(NPD) No.4089 of 2018

and

CMP.No.22594 of 2018

Mrs.J.Sharmila

..Petitioner

Vs

R.Srihari

..Respondent

**Prayer:-** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 08.10.2018 passed in E.A.No.133 of 2018 in E.P.No.16 of 2018 in RCOP No. 33 of 2013 on the file of Principal District Munsif Court, Alandur by allowing this Civil Revision Petition.

For Petitioner : Mr.B.Vijay

**ORDER**

The prayer sought for in the present petition is to set aside the fair and decreetal order dated 08.10.2018 passed in E.A.No.133 of 2018 in E.P.No.16 of 2018 in RCOP No. 33 of 2013 on the file of Principal District Munsif Court, Alandur.

2. Mere pendency of an appeal will not amount to stay of execution and therefore, I do not find any infirmity in the order passed by

the Rent Controller/Execution Court rejecting the petitioner's application seeking for stay. It is seen that as against the eviction order, the petitioner had preferred an appeal in R.C.A.No.7 of 2018 and has also filed an application seeking for an interim stay of the operation of injunction order through an application in I.A.No.75 of 2018 dated 13.02.2018.

3. In my view, if a direction is given to the Appellate Authority to dispose of the stay application within a stipulated time, the ends of justice would be secured. In the light of the above observation, I do not find any reason to interfere with the order passed in the execution proceedings in E.A.No.133 of 2018 in E.P.No.16 of 2018.

4. Hence Civil Revision Petition is dismissed. Nevertheless, since the stay application before the Rent Control Appellate Authority is pending from 13.02.2018 onwards, the learned Subordinate Judge, Tambaram is called upon to dispose of the application in I.A.No.75 of 2018 in RCA.No.7 of 2018 within a period of sixty days from the date of receipt of copy of this order. Consequently connected miscellaneous petition is closed. No Costs.

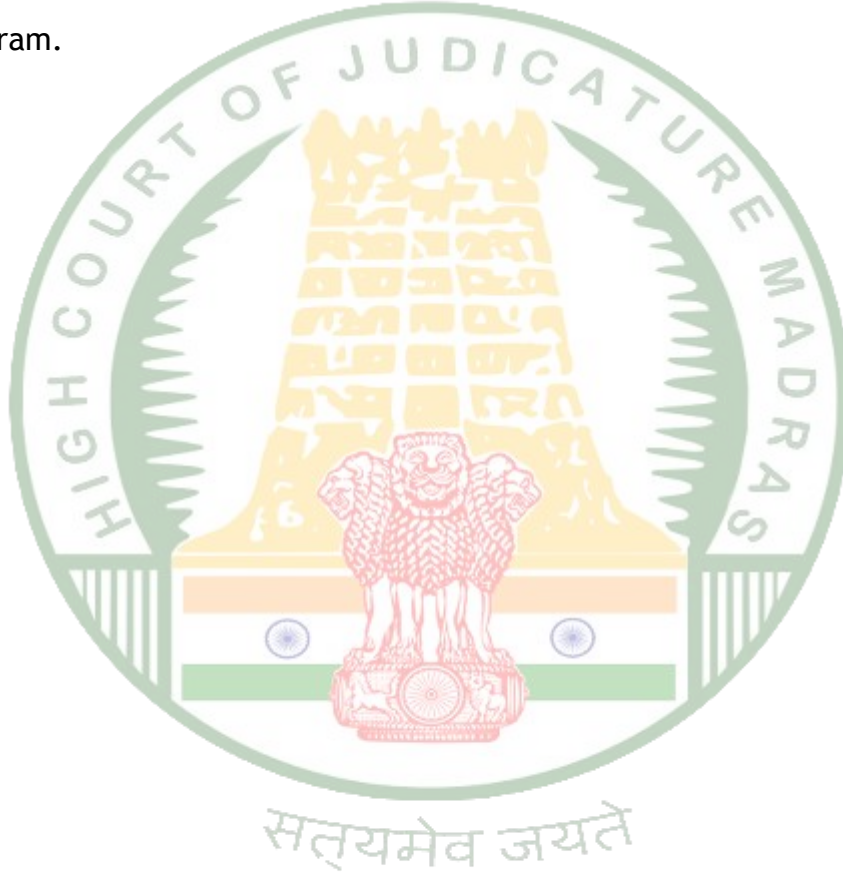
**17.12.2018**

Index : Yes/No  
Internet : Yes/No  
vsn/dh

To

1. The learned Principal District Munsif,  
Alandur.

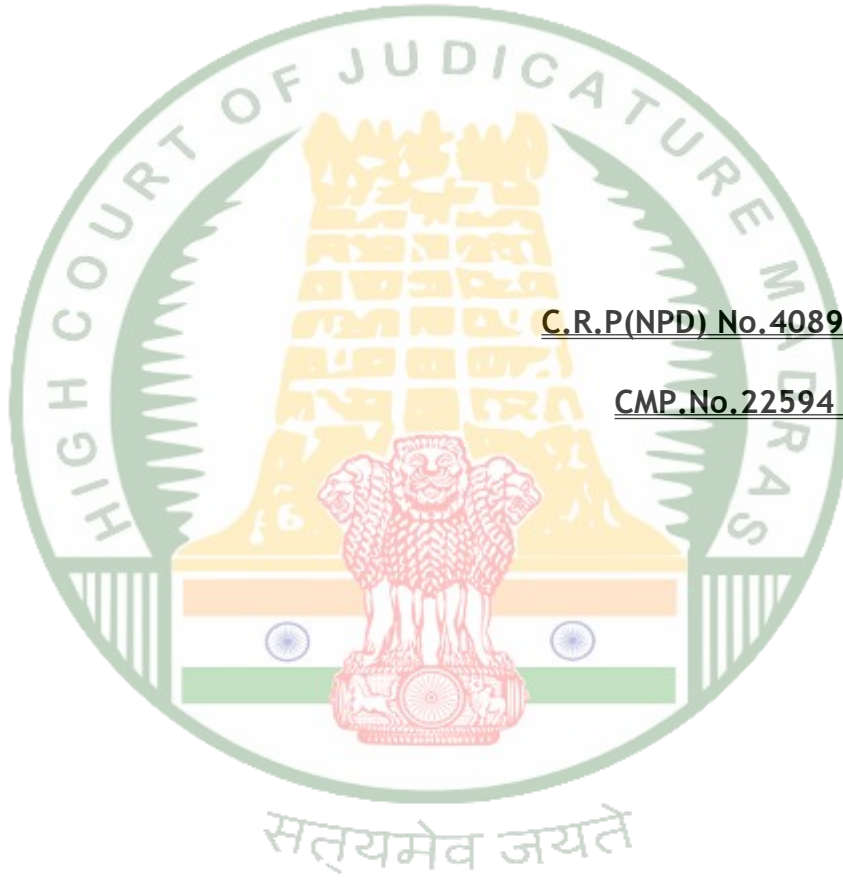
2. The learned Subordinate Judge,  
Tambaram.



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M.S. RAMESH.J.,

vsn/dh



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