



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

C.R.P(MD) (PD) .No.2305 of 2018
and
C.M.P(MD) .No.10292 of 2018

Rajendran ... Petitioner/Defendant
vs.

The Church of South India
Trust Association,
Tiruchirappalli-Thanjavur Diocese
rep., by its Power Agents,

1.Lt.Col.S.S.Immanuvel,

2.Dr.M.Anburaj ... Respondents/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.04.2018 made in I.A.No.55 of 2016 in A.S.No.12 of 2016 on the file of the Principal Subordinate Judge, Trichirappalli against O.S.No.155 of 2009 on the file of the District Munsif Court, Manaparai.

For Petitioner	: Mr.A.N.Ramanathan
For Respondents	: Mr.P.Thiyagarajan for caveator

ORDER

The defendant in O.S.No.155 of 2009 on the file of the District Munsif Court, Manaparai, is the revision petitioner herein. It is a suit for eviction. The suit was decreed. Questioning the same, the revision petitioner filed A.S.No.12 of 2016 on the file of the Principal Subordinate Court, Tiruchirappalli. In the Appeal Suit, Interim stay granted in favour of the revision petitioner. But then, the revision petitioner was later put on terms and directed to remit the admitted arrears. Since the revision petitioner did not do so, the interim stay was vacated. That led to the filing of Execution Petition. Questioning the vacating of interim stay, this Civil Revision Petition has been filed.



3.As rightly pointed out by the learned counsel appearing for the respondents, the revision petitioner is only a tenant and that what he has been directed to pay was only the admitted arrears. The learned counsel for the revision petitioner seeks eight weeks time to pay the said amount. The time sought for is granted. The Executing Court shall not proceed with the execution petition for a period of eight weeks. If the revision petitioner does not remit the arrears within the said period, the execution proceedings will automatically resume. It is absolutely made clear that under no circumstances, application for extension of time will be entertained. The learned counsel for the revision petitioner gives his consent for the same.

4.This Civil Revision Petition is allowed on the aforesaid terms.

5.The learned counsel for the respondents submits that A.S.No.12 of 2016 is at the stage of argument. The First Appellate Court is directed to dispose of the First Appeal as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Principal Subordinate Judge,
Trichirappalli.

2.The District Munsif, Manaparai.

+1 CC To MR.A.N.RAMANATHAN, Advocate SR. NO. 91060

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RMK

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