

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.1592 of 2018

ORDER:

Aggrieved by the failure of the first Appellate Court to take up an application for extension of interim stay, the petitioner has come up with the above revision petition.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioner.

3. The suit was for eviction and for payment of arrears of rent. The petitioner herein was the defendant in the suit. He filed a regular appeal in A.S.No.60 of 2016 along with an application for stay. The first Appellate Court granted interim stay of execution upon certain terms and conditions. Aggrieved by the fact that the arrears of rent were not directed to be paid the plaintiff/decreed holder came up with a revision in C.R.P.No.4127 of 2016. The said revision was disposed of by me by an order dated 09.12.2016 to the following effect.

“Hence the Civil Revision Petition is allowed modifying the order of the First Appellate Court to the following effect:

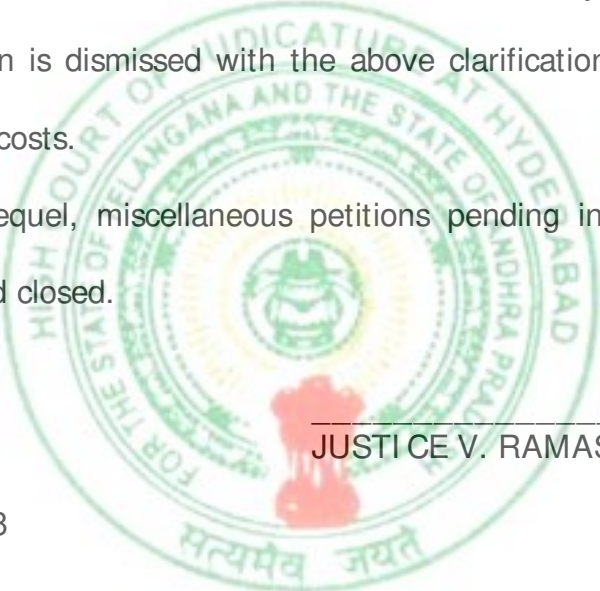
1. There shall be an interim stay of execution of the decree of the trial Court subject to the conditions that (i) Respondent No.1-tenant shall pay a sum of Rs.90,000/- to the petitioners-landlords, within a period of 12 weeks from the date of receipt of a copy of this order; and (ii) He shall continue to pay the admitted rent of Rs.5,000/- per month on the 5th of every succeeding month as directed by the First Appellate Court, directly to the petitioners-landlords instead of depositing the same into the Court.”
2. Both the aforesaid payments shall be made by way of demand drafts or cheques only so that no further dispute is raised with regard to the same.”

4. Thinking that the original order of the trial Court granting stay only for a period of six months was not altered by this Court in its order

dated 09.12.2016, the petitioner filed an application for extension of stay after complying with the conditions imposed by this Court. Since that application was not taken up for disposal, the petitioner is before this Court.

5. I do not think that there is any necessity for the petitioner to move an application for extension of interim stay. The interim stay ordered by the first Appellate Court for a period of six months, was modified by me in C.R.P.No.4127 of 2016. The stay granted by me was not restricted to a period of six months. Therefore, there was no necessity for the petitioner to seek extension of the interim stay. Hence the civil revision petition is dismissed with the above clarification. There shall be no order as to costs.

6. As sequel, miscellaneous petitions pending in this revision, if any, shall stand closed.



JUSTICE V. RAMASUBRAMANIAN

9th March, 2018
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.1592 of 2018



9th March, 2018

Js.