



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P(MD)No.1185 of 2019

and

CMP. (MD)No.6546 of 2019

Santhi

... Petitioner/Judgment debtor/
Respondent

Vs.

Vaikunda Narayanan

... Respondent / decree holder /
Petitioner

PRAYER: Civil Revision Petition is filed, under Section 115 of CPC, against the order dated 12.07.2019 made in E.P.No.58 of 2018 in R.C.O.P.No.4 of 2016 on the file of the District Munsif, Pattukkottai.

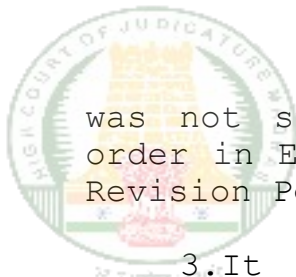
For Petitioner
For Respondent

: Mr.K.Guhan
: Mr.C.Padmaraj

O R D E R

This Civil Revision Petition is filed against the order dated 12.07.2019 passed in E.P.No.58 of 2018 in R.C.O.P.No.4 of 2016 by the learned District Munsif, Pattukkottai.

2.The said RCOP.No.04 of 2016 was filed by the respondent herein / decree holder against the petitioner herein for eviction and the same was decreed on 09.11.2017. Thereafter, the respondent / decree holder filed E.P.No.58 of 2018 for execution of the said decree. On the other hand, the revision petitioner herein filed RCA, but the said RCA was not numbered for the reason that there was a delay in filing RCA. Therefore, he filed I.A.No.3 of 2019, for condonation of delay. In the meantime, the revision petitioner filed an application to stay the E.P.No.58 of 2018, since the condone delay application is pending in unnumbered RCA challenging the order passed in RCOP.No.04 of 2016. However, the Court below, without numbering the said RCA, dismissed the same, since sufficient proof



was not submitted. Subsequently, the Court below passed eviction order in E.P.No.58 of 2018. Challenging the same, the present Civil Revision Petition has been filed.

3.It is the contention of the revision petitioner that subsequently the delay was condoned by the Court below in filing RCA and RCA was numbered as R.C.A.No.01 of 2019 and the same is pending on the file of Subordinate Court, Pattukkottai.

4.When that being the case, this Court is of the view that the execution proceeding needs to be stayed until the disposal of the RCA. Therefore, the order passed in E.P.No.58 of 2018 in R.C.O.P.No.4 of 2016, is stayed until disposal of the RCA. Further, this Court directed the Court below to dispose of the RCA within a period of six months from the date of receipt of a copy of this order.

5.This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

The learned District Munsif, Pattukkottai.

Copy to: The Subordinate Judge, Pattukkottai.

+1 CC to M/s.K.GUHAN, Advocate SR-94035.

+1 CC to M/s.C.PADMARAJ, Advocate SR-94358.

**Order made in
C.R.P (MD)No.1185 of 2019
23.10.2019**

CS(15.11.2019) 2P 5C