



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD) No.1603 of 2019
and
C.M.P. (MD) No.8443 of 2019

M.A.Ananth ... Petitioner/Respondent/Tenant

Vs.

P.R.Ramkishan ... Respondent/Respondent/Land Lord

Prayer: The petition filed under Article 227 of the Constitution of India, to direct the Additional District Munsiff, Madurai to stay the E.P.No.285 of 2018 till the disposal of I.A.No.207 of 2019 in R.C.A.No.unnumbered/ 2019.

For Petitioner : Mr.R.Ramasamy

ORDER

This Civil Revision Petition is filed to direct the Additional District Munsiff, Madurai to stay the E.P.No.285 of 2018 till the disposal of I.A.No.207 of 2019 in R.C.A.No.unnumbered/ 2019.

2.The respondent / petitioner has filed R.C.O.P.No.89 of 2016 before the Additional District Munsiff Court, Madurai against petitioner / respondent and the same was allowed on 17.07.2018. Thereafter, the respondent / Landlord filed an execution petition in E.P.No.285 of 2019. In the mean time, as against the order passed in R.C.O.P., the revision petitioner has filed an appeal before the Principal Sub Court, Madurai along with a condone delay application in I.A.No.207 of 2019 and the same is pending.

3.The learned counsel for the revision petitioner would submit that the execution petition filed by the respondent / landlord is coming up today for enquiry and if any order is passed by the Execution Court, it will affect the right of the revision petitioner. The learned counsel also referred an unreported judgment of this Court in C.R.P.(MD)No.1534 of 2019, wherein it is observed as follows:

"5.The learned counsel appearing for the revision petitioner also seeks a direction of this Court to direct the Appellate Court to dispose of the delay application filed by the revision petitioner, by contending that in a



similar case, this Court in the case of K.Sankaranarayana Pillayan Vs. R.Chellappa and A.S.Mahendrakumar has also given a direction to the Appellate Court to dispose of the delay application.

6.In the judgment relied upon by the learned counsel for the revision petitioner as cited above, this Court has held as follows:

"6.The Rent Controller Appellate Authority, Tirunelveli, is directed to dispose of the application in I.A.No.85 of 2013 within a period of two weeks from the date of receipt of a copy of this order, in case, the appellate Judge is condoning the delay and numbering the appeal, execution should be stayed till the disposal of appeal."

4.Heard the learned counsel appearing for the revision petitioner.

5.Considering the facts and circumstances of the case, this Court is of the view that in order to give an opportunity to the revision petitioner, it would be appropriate to direct the Appellate Court to dispose of the application in I.A.No.207 of 2019 to condone the delay at the earliest point of time. Accordingly, the Principal Sub Court, Madurai is hereby directed to dispose of the application in I.A.No.207 of 2019, within a period of two months from the date of receipt of a copy of this order. There shall be an order of stay of operation of the proceedings in E.P.No.285 of 2018 in R.C.O.P.No.89 of 2016 until the disposal of I.A.No.207 of 2019. In the event, if the I.A.is allowed and numbering the appeal, the execution should be stayed till the disposal of the appeal.

6.Accordingly, this Civil Revision petition is disposed of. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Additional District Munsiff, Madurai.

2.The Principal Subordinate Judge, Madurai.

+1cc to Mr.R.Ramasamy, Advocate, SR.No.87739

C.R.P. (MD) No.1603 of 2019
17.09.2019

nbj