

**C.M.P.No.3958 of 2020**  
**in**  
**C.R.P.SR.No.21540 of 2020**

**V.BHARATHIDASAN, J.**

Present civil miscellaneous petition has been filed to dispense with the production of the original certified copy of the impugned order made in E.P.No.48 of 2018 dated 14.02.2020.

2. Mr.V.Raghavachari, learned counsel appearing for the petitioners would contend that, they purchased the property from the second respondent in the year 2004. The first respondent is stated to have entered into a sale agreement with the second respondent in the year 1994 and filed a suit for specific performance in the year 1999, but the same was returned, then he re-presented the same before the Subordinate Court, Poonamallee in the year 2009, and the suit was numbered as O.S.No.174 of 2009. In the meantime, the petitioners purchased the property from the second respondent herein. In the above suit, without impleading the petitioners

as party defendants, obtained an ex-parte decree. After coming to know about the ex-parte decree, the petitioners filed a revision before this Court to set aside the ex-parte decree. However, this Court vide order dated 02.11/2016 permitted the petitioners to seek leave to file application to set aside the ex-parte decree from the concerned Court. Accordingly, the petitioners filed application to set aside the ex-parte decree along with a petition seeking leave before the Subordinate Court, Poonamallee. When the application to set aside the ex-parte decree is pending before the learned Subordinate Judge, Poonamallee, the first respondent filed an execution petition before the very same Court to execute the ex-parte decree. The learned Subordinate Judge, Poonamallee allowed the execution petition and ordered demolition with police aid and to disconnect E.B..

3. The learned counsel appearing for the petitioners further submitted that after purchase of the property they have been in possession and enjoyment of the same and they have put up nearly 200 houses therein. In view of the order

passed by the Execution Court, the respondent is taking steps to demolish the property with the help of police and hence he seeks stay of the order passed by the Execution Court. Learned counsel further claims that apart from the petitioners there are more than 200 family residing in the said apartment. In view of the above urgency, I am inclined to stay the order passed by the Court below.

4. In the above circumstances, there shall be an order of interim stay of the order dated 14.02.2020, passed in E.P.No.48 of 2018 in O.S.No.174 of 2009, pending on the file of the learned Subordinate Judge, Poonamallee.

5. Registry is directed to number the revision, if it is otherwise in order and post the same on 20.02.2020, for admission.

WEB COPY

18.02.2020

kk

**Note:** (1) Issue order copy today  
(2) Registry to number the CRP and list it on 20.2.2020.