

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP NPD No.3363 of 2018
and CMP No.19064 of 2018

Adham basha (deceased)

1. Jenni bee

2 Paritha

3 Shamima

... Petitioners

Vs.

K.S.Balasubramaniam chettiar (deceased)

K.B.Karthiresan

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease & Rent Control Act 1960, praying to set aside the docket order dated 31.07.2018 and made in EP No.28 of 2015 in RCOP No.6 of 2008 on the file of District Munsif, Thiruvallur.

For Petitioners : Mr.N.A.Nissar Ahmed

ORDER

This matter is taken up for hearing through Video-Conferencing.

The legal heirs of the tenant, who had suffered an order of eviction in a Rent Control Original Petition, are the petitioners.

2. The order passed in the Execution Petition directing delivery, challenges mainly on the ground that the appeal filed by the tenant in RCA No.4 of 2015 is pending on the file of the Appellate Authority and therefore, the Executing Court was not right in directing delivery.

3. I have heard Mr.N.A.Nissar Ahmed, learned counsel in support of their Revision.

4. It is seen from the records that no stay petition was filed pending the Rent control Appeal. The appellant in the Appeal had died and no application for bring on record his legal representatives has been filed in the appeal till the filing of this Revision Petition. The Execution Petition is of the year 2015 and the Executing Court had adjourned the EP on several

occasions before directing delivery after 3 years.

5. I therefore do not find any material irregularity or illegality in the order of the Execution Court in the absence of stay by the Appellate Court. The Executing Court has proceeded with the Execution Petition and it cannot keep the EP pending forever. In view of the above, I do not see any reason to entertain the Civil Revision Petition. The Civil Revision Petition therefore fails and it is accordingly dismissed. No costs. Consequently the connected miscellaneous petition is closed.

04.11.2020

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Index: No
Internet: Yes
Speaking Order

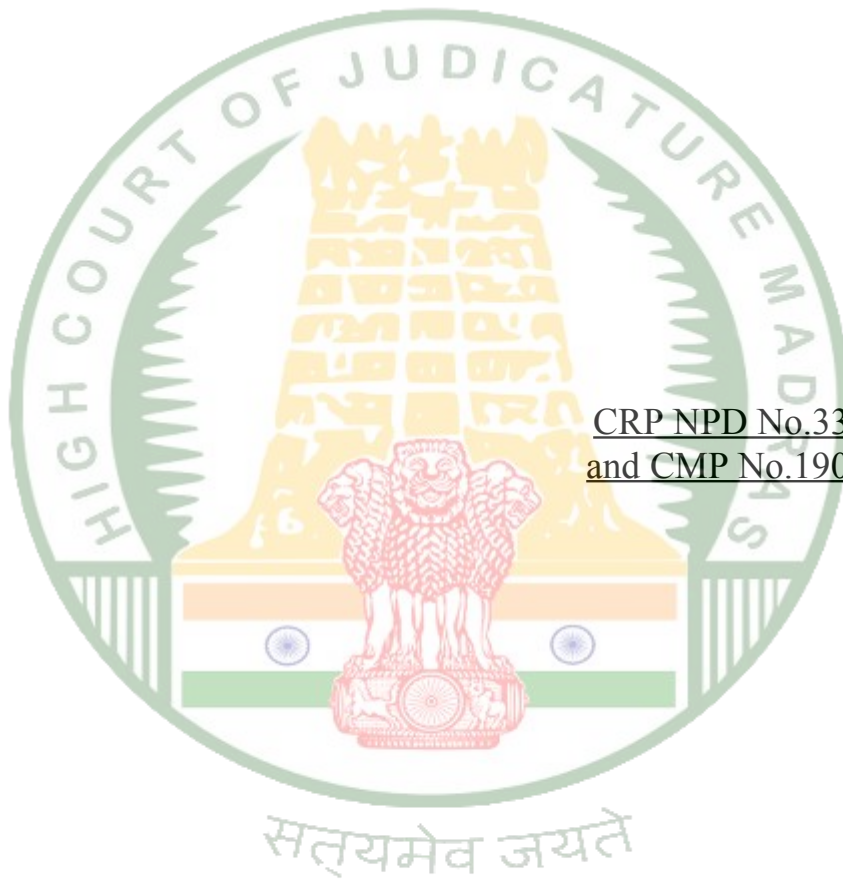
To

1. The District Munsif,
Thiruvallur.
2. The Section Officer,
V.R.Section, High Court of Madras.

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R.SUBRAMANIAN, J.

jv



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