

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD).No.3012 of 2018
and C.M.P.No.17481 of 2018

1.S.M.Subramaniam
2.S.M.Narayanan

... Petitioners

Vs

Periasamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the order passed in Memo in R.C.E.A.No.3 of 2015 in R.C.E.P.No.2 of 2005 in R.C.O.P.No.2 of 2003 passed by the District Munsif Court at Paramathi dated 08.11.2017.

For Petitioners : Mr.J.Hariharan
for M/s.KV Law Firm

For Respondent : Mr.N.Manoharan

ORDER

The Civil Revision Petition is filed against the order passed in Memo in R.C.E.A.No.3 of 2015 in R.C.E.P.No.2 of 2005 in R.C.O.P.No.2 of 2003 passed by the District Munsif Court at Paramathi dated 08.11.2017, thereby closed the memo filed by the petitioners.

2. The petitioners are the respondents in the Eviction Petition filed by the respondent herein on the ground of wilful default, onus occupation and denial of title. The said Eviction Petition was allowed and the same was confirmed by the learned Rent Control Appellate Authority.

3. Aggrieved by the same, the petitioners filed this Civil Revision Petition before this Court and this Court allowed the Civil Revision Petition and set aside the order of Eviction by an order dated 15.04.2015. However, this Court had given liberty to the respondent to approach appropriate civil forum for recovery of possession in respect of the petition premises.

4. While pending the Civil Revision Petition, the respondent filed Execution Petition in R.C.E.P.No.2 of 2005 and delivery was ordered, in fact the vacant possession of the petition premises was handed over to the respondent and the same was recorded in the Execution Proceedings. Subsequently, the Execution Petition was closed. After order passed by this Court dated 15.04.2015, the petitioners filed R.C.E.A.No.3 of 2015 for re-delivery of the petition premises under Sections 144 and 151 of CPC.

5. While pending the R.C.E.A.No.3 of 2015, the respondent filed a Review Petition to review the order passed by this Court in C.R.P.(NPD) No.1682 of 2006 dated 15.04.2015 with delay petition in C.M.P.No.9187 of 2016. The Execution Court do not pursue the petition filed by the petitioners for the reason that the review petition is pending before this Court. Therefore, the petitioners filed a memo praying the Court below to pursue the petition in R.C.E.A.No.3 of 2015, since no order of stay produced by the respondent in the review petition.

6. Admittedly, the respondent filed a review petition to review the order passed by this Court in C.R.P.(NPD) No.1682 of 2006 dated 15.04.2015 with the condone delay petition in C.M.P.No.9187 of 2016.

7. The learned counsel for the respondent submitted that the condone delay petition is still pending before this Court. Therefore, no interim order has been passed in the review petition and mere pendency of the condone delay petition in the review petition is not an impediment for the Execution Court to proceed further in R.C.E.A.No.3 of 2015.

8. Accordingly, this Civil Revision Petition is disposed of. The Execution Court is directed to dispose R.C.E.A.No.3 of 2015 on merits in accordance with law within a period of *six months* from the date of receipt of a copy of this order. It is open to the respondent to produce any interim order passed by this Court before the Execution Court. Consequently, the connected miscellaneous petition is closed. No order as to costs.

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30.06.2021

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

rna

To

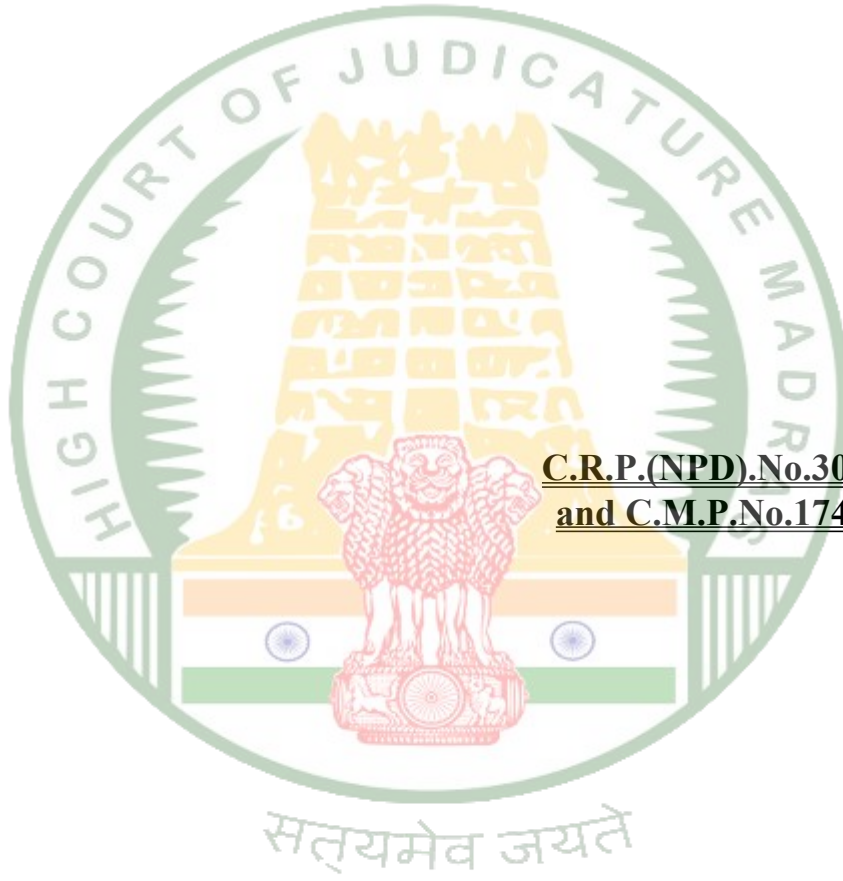
The District Munsif Court,
Paramathi.



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G.K.ILANTHIRAIYAN. J,

rna



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