



CRP.No.3309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and

CMP.No.17608 of 2022

M.D.Sameeruddin.C
Petitioner

...

Vs.

1.Ahamed Ibrahim
2.Syed Hussain
Respondents

...

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.09.2022 and direct the learned XVI Small Causes Rent Court to grant reasonable time till



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the appeal and stay petition is considered by the learned Rent Tribunal (Appellate Court).

For Petitioner : Ms.Sharatha P.Nair
for Ms.Rayeesa Fathima

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below dated 27.09.2022 dismissing the petition filed by the revision petitioner seeking stay of execution proceedings in E.A.No.3 of 2022 in E.P.No.754 of 2022.

2. The revision petitioner suffered an order of eviction in the petition filed by the respondents/landlords in RLTOP.No.81 of 2020. The respondents filed an execution petition in E.P.No.754 of 2022. Subsequently, the revision petitioner filed a petition seeking stay of execution on the ground that he filed an appeal challenging eviction order with a condone delay petition and the execution of the eviction



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petition shall be stayed till the disposal of the condone delay petition.

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3. The learned counsel for the petitioner submitted that when the petitioner filed an appeal before the Appellate Forum, the Executing Court ought to have given reasonable time to enable the petitioner to obtain stay from the Appellate Forum. The said contention raised by the learned counsel for the petitioner cannot be countenanced.

4. The petitioner failed to file the appeal within the time allowed by law and he filed the appeal only with a delay. Therefore, the Executing Court cannot be expected to wait for the petitioner to obtain stay from the Appellate Forum and suspend the execution proceedings, till he gets a favourable order in the Appellate Forum and hence, the Executing Court need not suspend the execution.

5. The Court below rightly dismissed the petition for stay



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filed by the revision petitioner and hence, I do not find any error in the
impugned order passed by Court below.

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S.SOUNTHAR, J.

Dna

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.11.2022

Index : Yes / No

Internet : Yes / No

dna

To

The XVI Small Causes Rent Court, Chennai.

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