



C.R.P.NPD.No.995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.06.2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

C.R.P. NPD.No.995 of 2023
and C.M.P.No.7310 of 2023

Selvam

... Petitioner

Vs.

Pavathal

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 28.03.2022 in E.A.No.4 of 2021 in E.P.No.7 of 2019 in R.C.O.P.No.13 of 2015 on the file of the Principal District Munsif, Erode.

For Petitioner

...

Mrs.Gopika Nambiar
for Govind Chandrasekhar

For respondent

...

Mr.R.Karthikeyan

ORDER

This revision is filed aggrieved by the orders passed in E.A.No.4 of 2021 in E.P.No.7 of 2019 in R.C.O.P.No.13 of 2015 on the file of



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learned Principal District Munsif, Erode, dated 28.06.2022. Wherein the request of the petitioner / Judgment Debtor to stay the execution proceedings in E.P.No.4 of 2021 was declined.

2.It is submitted by the learned counsel for the petitioner that in R.C.O.P.No.13 of 2015, the petitioner was directed to vacate the premises and hand over the vacant possession to the respondent / landlord. Aggrieved by the same, the petitioner has preferred R.C.A. On the file of the learned III Principal Sub Judge, Subordinate Court, Erode. However, the said R.C.A. could not be numbered on account of delay in filing the appeal. Accordingly, an application to condone the delay in filing the appeal was preferred and the said application is pending for consideration. It is submitted that since his appeal is pending for consideration before the appellate Court E.P. Shall not be proceeded with. The petitioner further submitted that in the meanwhile the delay condonation application has been allowed by the learned Subordinate Judge, Erode on 10.03.2023.

3.On the other hand, the learned counsel for the respondent has



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reported that he has no information about the filing of R.C.A and other details connected to it.

4.Once the delay has been condoned, the learned Subordinate Judge would number the appeal, thereby the petition filed before the learned Subordinate Judge, seeking to stay the execution would also come for consideration.

5.Considering the above circumstances, this revision is disposed of, directing the learned Subordinate Judge, Erode to consider the application filed by the petitioner seeking for stay of the proceedings on merits. Since the stay petition is likely to come up before the Subordinate Court, the proceedings before the execution Court are stayed till 19.07.2023, which operates only against the petitioner / Judgment Debtor No.1. No costs. Consequently, the connected miscellaneous petition is closed.

28.06.2023

kas

Index: Yes/No

Neutral Citation: Yes/No



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Dr.D.NAGARJUN, J.

kas

To

The Principal District Munsif, Erode.

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