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C.M.P.No.18883 of 2018
in
CRP.S.R.No.70019 of 2018

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SATHI KUMAR SUKUMARA KURUP.J

This Petition is filed to condone the delay of 25 days in filing the Civil Revision Petition.

2.This Court had directed the learned Counsel to issue notice to the Respondents. At that stage, the learned Counsel for the Respondents was present in Court and stated that the Petition is not at all maintainable since delivery had been ordered and he furnished the printed copy of the Daily Status of Court of Small Causes, Chennai, in the Court of XVI Judge, Court of Small Causes, wherein it is stated as under:

“This petition is filed by Decree Holder in order to execute order of eviction in RCOP 444/2005. The respondent has filed counter stating that respondent has preferred CRP with delay of 25 days in CMP No.18883/2018 in filing CRP SR.No.70019/2018 and same is pending before Honourable High Court. Further the respondent has in this Counter stated about the merits of the case. Heard both sides. Records perused. This petition is filed to execute of Order of eviction in RCOP 444/2005. Decree Holder counsel endorsed that there is no stay granted by any of the appellate Court. It is seen that only contention of the Judgment Debtor is CRP is in SR Stage and Hence, this Petition must be



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dismissed. It is seen that it is a settled principal of Law that only because appeal is pending, this Court cannot stay the execution proceedings. Further executing Court cannot go behind the Decree and discuss the merit of the Decree passed. Since there is no stay granted by any appellate Court there is no impediment to execute the Decree. Hence fresh delivery is ordered. Delivery by 28.02.2023."

Next Purpose : Batta

Next Hearing Date : 28.02.2023.

XVI Judge, Court of Small Causes"

3.In the light of the above, this Civil Miscellaneous Petition stands closed.

24.02.2023

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24.02.2023