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C.R.P.(NPD).Nos.1189, 1191 and 1194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).Nos.1189, 1191 and 1194 of 2024
and
C.M.P.Nos.6145, 6157 and 6163 of 2024

P.Ravichandran

... Petitioner (in all CRPs)

VS

The Branch Manager
TANSIDCO, Branch Office
Thiru.Vi.Ka Industrial Estate
Guindy, Chennai-600032.

... Respondent (in all CRPs)

Prayer in C.R.P.(NPD).No.1189 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Revision Petition by setting aside the order and decree made in I.A.No.1 of 2023 in A.S.No.276 of 2023 order dated 08.01.2024 on the file of V Additional Judge, City Civil Court at Chennai.

Prayer in C.R.P.(NPD).No.1191 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above



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Revision Petition by setting aside the order and decree made in I.A.No.1 of 2023 in A.S.No.275 of 2023 order dated 08.01.2024 on the file of V Additional Judge, City Civil Court at Chennai.

Prayer in C.R.P.(NPD).No.1194 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Revision Petition by setting aside the order and decree made in I.A.No.1 of 2023 in A.S.No.274 of 2023 order dated 08.01.2024 on the file of V Additional Judge, City Civil Court at Chennai.

For Petitioner : Mr.G.V.Sridharan
(in all CRPs)

For Respondent : G.Vasuthevan
(in all CRPs)

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the First Appellate Court dismissing the stay petitions filed by the petitioner seeking stay of the operation of judgement and decree passed by the Trial Court in O.S.Nos.3156, 3155 and 3154 of 2022, dated 01.08.2023.

2. The petitioner herein filed suits in O.S.Nos.3156, 3155 and 3154 of 2022 seeking Mandatory Injunction directing the respondent herein to furnish



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the proper statement of account of the rental arrears pertains to the suit property and for permanent injunction restraining the respondent from in anyway taking coercive action against the petitioner in the guise of rental arrears. The suits were dismissed by the Trial Court. Aggrieved by the same, the petitioner filed appeals in A.S.Nos.276, 275 and 274 of 2023 before the First Appellate Court. Pending first appeal, the petitioners filed stay applications in I.A.Nos.1, 1 and 1 of 2023 seeking stay of the operation of judgement and decree passed by the Trial Court. The said stay petitions were dismissed by the First Appellate Court. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that necessary interim protection from eviction shall be given to the petitioner pending disposal of the first appeals.

4. The instant applications have been filed by the petitioner seeking stay of the operation of judgement and decree passed by the Trial Court. The Trial



Court dismissed the suits filed by the petitioner seeking mandatory injunction and permanent injunction. Therefore, the Trial Court has not passed any executable decree. In such circumstances, there is nothing to stay the judgement and decree by the Trial Court.

5. The First Appellate Court rightly came to the conclusion that in the absence of any executable decree, the stay petitions filed by the petitioner were not maintainable. Hence, I do not find anything to interfere with the order of dismissal passed by the First Appellate Court. However, it is always open to the petitioner to file appropriate application seeking interim relief for protection of his interest. If any such application is filed, the same shall be considered by the First Appellate Court in accordance with law.

6. The learned counsel appearing for the respondent/caveator submitted that the possession has already been taken from the petitioner. The said statement of the learned counsel is recorded. It is always open to the respondent to bring it to the notice of the First Appellate Court if any application is filed by the petitioner seeking interim protection.



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WEB COPY 7. With this clarifications, these Civil Revision Petitions are dismissed.

No costs. Consequently, the connected civil miscellaneous petitions are closed.

25.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The V Additional Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

dm

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