



WEB COPY

C.R.P. (PD) No.3403 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P. (PD) No.3403 of 2024
and C.M.P.No.18396 of 2024**

Meenakshi

... Petitioner

Vs.

A.Venugopal

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the decreetal order dated 24.11.2023 made in E.P.No.3195 of 2023 in O.S.No.3719 of 2018 on the file of the Court of the IX Assistant Judge, City Civil Court, Chennai.

For the Petitioner : Mr.M.Kamesh

ORDER

This Civil Revision Petition arises against the order passed by the learned IX Assistant Judge, City Civil Court, Chennai, in E.P.No.3195 of 2023 in O.S.No.3719 of 2018 dated 24.11.2023.

2. The Civil Revision Petitioner is the Judgment Debtor. The



respondent herein presented a suit in O.S.No.3719 of 2018, seeking for recovery of possession of the suit schedule mentioned property, damages and other reliefs. After contest, the suit came to be decreed on 14.10.2022. Since the Civil Revision Petitioner did not handover the possession of the property as directed in the decree, the respondent preferred E.P.No.3195 of 2023. When the matter was taken up for hearing before the learned Judge on 24.11.2023, the Civil Revision Petitioner pleaded that she is proposing to file an appeal as against the decree. The trial Court would have none of it and ordered delivery, against which, the present Civil Revision Petition.

3. Heard, Mr.Kamesh representing Mr.Tamil Vendan.

4. Mr.Kamesh, would submit that the petitioner is proposing to file an appeal as against the decree and therefore, execution proceedings should be stayed.

5. Unless and until a decree is stayed by the Trial Court, the executing Court is duty bound to proceed further. It is not in dispute that till date, there is no order in appeal staying the execution of the proceedings. Therefore, I do not find any error in the order passed by the IX Assistant Judge, City Civil



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Court, Chennai, in E.P.No.3195 of 2023 in O.S.No.3719 of 2018 dated 24.11.2023. This Civil Revision Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

02.09.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

The IX Assistant Judge, City Civil Court, Chennai.



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V.LAKSHMINARAYANAN, J.,
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