



C.R.P.[NPD].No.4737 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 22.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.4737 of 2024 & CMP.No.26566 of 2024

Mr.Arunkumar

. . . Petitioner

Versus

Tharani Bai

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the Order dated 21.10.2024 passed in E.P.No.1027 of 2024 in O.S.No.3653 of 2023 on the file of th XXV Assistant City Civil Court.

For petitioner : Ms.B.Sharmila

ORDER

Challenging the Order of the Execution Court in allowing the Execution Petition in E.P.No.1027 of 2024 and ordering delivery of the petitioner mentioned property, this Civil Revision Petition has been filed.



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2. The suit in O.S.No.3653 of 2023 has been decreed on 07.08.2024.

The only contention of the review petitioner is that as against the judgment and decree passed in the above suit, he has filed an appeal along with an application to condone delay petition and the same is pending. Hence, seeks to set aside the Order passed in the Execution Petition.

3. The contention raised by the revision petitioner is not sustainable. As long as the decree is not appealed and no stay is granted in the appeal, mere filing of the appeal will not amount to stay, therefore, ordering delivery does not require any interference.

4. At this stage, the learned counsel appearing for the petitioner seeks three months time to vacate from the premises besides he is also willing to pay the arrears. Hence, seeks three months time for vacating the premises.



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5. In view of the above submissions, the revision petitioner shall be evicted after a period of three months from today. In the meanwhile, the revision petitioner shall also pay the arrears to the respondent.

6. With the above direction, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

22.11.2024

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc



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N. SATHISH KUMAR, J.

VTC

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