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C.R.P.(NPD)No.4944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.4944 of 2024

A.Mohammed Anver

.. Petitioner

Vs

R.Sarathy

..

Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Constitution of India, for a direction to the executing court to dispose of the execution proceedings in E.P.No.609 of 2024 on the file of the XV Small Causes Court at Chennai within a specified time frame as fixed by this Court.

For Petitioner : Mr.Gautam S.Raman

ORDER

The civil revision petition seeks for expeditious disposal of the execution proceedings in E.P.No.609 of 2024 on the file of the XV Small Causes Court at Chennai.



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2. It is the contention of the petitioner that the rent Court has already passed an order of eviction in R.L.T.O.P.No.109 of 2024. When the same was to be executed by filing the Execution Petition in E.P.No.609 of 2024, citing mere pendency of the appeal, E.P. is not proceeded. Hence, this Civil Revision Petition is filed.

3. Since the prayer sought is very limited mere pendency of the appeal will not be a ground to delay the execution proceedings, unless there is a stay by the appellate Court. There is no arrangement for execution of the decree. It is also clear that in the event, the respondent succeed in the appeal there is always remedy for such respondent to file restitution.

4. Since it is only a limited prayer seeking a direction to the trial Court to dispose of the petition within the stipulated period, notice to the respondent is not required. Hence, notice to the respondent is dispensed with.



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5. Considering the submissions made and on perusal of the material, this Court directs the Trial Court (learned XV Small Causes Court, Chennai) to conclude the proceedings in E.P.No.609/2024 without further delay, preferably within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is disposed of. No costs.

03.12.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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Note: Issue order copy on 05.12.2024.

To

The XV Small Causes Court, Chennai



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N.SATHISH KUMAR, J.

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