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CRP NPD.No.756 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.756 of 2025 & CMP.No.4304 of 2025

S.Devarajan

. . . Petitioner

Versus

G.Sureshbabu

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to call for the records relating to the Order and decreetal Order dated 28.01.2025 in E.P.No.4 of 2024 in RCOP.No.9 of 2019 on the file of the learned Additional District Munsif, Vellore pending dispose of the above Civil Revision Petition.

For petitioner : Mr.P.Pandiaraj

For respondent : Mr.J.Ramesh



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ORDER

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Challenge has been made against the delivery Order passed by the Executing Court pursuant to the Execution Petition levied on the basis of the Rent Controller proceedings in RCOP.No.9 of 2019.

2. The Rent Control Original Petition has been filed under section Tamilnadu Buildings [Lease and Rent Control] Act 1960 on the ground of willful default in paying rent. The Rent Controller has ordered eviction by an Order dated 09.02.2024. Pursuant to the said Order, the Execution Petition in E.P.4 of 2024 has been filed wherein a stand has been taken by the revision petitioner to the effect that they had already filed an appeal along with an application to condone the delay in I.A.No.1 of 2024. Considering the fact that no stay has been granted in the appeal, the Execution Court has Ordered delivery.

3. The main contention of the learned counsel appearing for the



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petitioner is that as per the direction of this Court, he had paid a sum of Rs.2 lakhs by way of a Demand Draft to the respondent herein. However, when the Rent Control Appeal is pending, the Execution Court had Ordered delivery.

4. As far as the Order passed by the Execution Court is concerned, this Court do not find any infirmity. As long as stay is not granted by the appellate authority, mere pendency of the appeal will not be a ground to stay the Execution Proceedings. The fact remains that a part of the arrears of rent has also been paid by the revision petitioner. In such view of the matter, let the appellate authority, viz., the Sub Judge decide the appeal filed in this regard within a period of one month from the date of receipt of a copy of this Order. Till such time, the Execution Court shall keep in abeyance the delivery proceedings alone. It is made clear that if the application to condone delay in filing the appeal is dismissed on merits, the Execution Court shall immediately proceed for ordering delivery.

5. With the above directions, this Civil Revision Petition is disposed of.



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No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

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To,

1. The Subordinate Judge, Vellore.
2. The Additional District Munsif, Vellore.



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N. SATHISH KUMAR, J.

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