



CRP NPD.No.996 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.996 of 2025 & CMP.No.5675 of 2025

1. Mercy Stella
2. Mohandas
3. Beula Esther
4. Soloman Raja

. . . Petitioners

Versus

Chandrasekar

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside fair and final Order dated 05.12.2024 made in E.P.No.26 of 2022 in O.S.No.122 of 2017 on the file of the Sub Court, Mettupalayam.

For petitioners : Mr.K.Venkatasubban
for Mr.N.Krishna Kumar

For respondent : Mr.C.K.M.Appaji



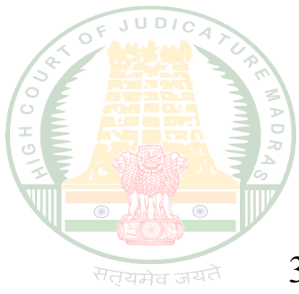
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ORDER

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Challenging the Order of the Execution Court ordering delivery of possession in the Execution Petition filed by the respondent, the present Civil Revision Petition has been filed.

2. The suit in O.S.No.122 of 2017 has been filed by the respondent for declaration and recovery of possession on the file of the Sub Court, Mettupalayam. The said suit came to be decreed in favour of the respondent on 14.11.2018. The appeal filed by the revision petitioners in A.S.No.10 of 2019 has been dismissed on 28.10.2020. Similarly the Second Appeal filed in S.A.No.223 of 2021 by the revision petitioners has also been dismissed on 04.06.2024. Thereafter, it appears that the respondent has filed the Execution Petition for recovery of possession and the Executing Court has passed an Order ordering delivery of possession. Challenging the said delivery Order, the present Civil Revision Petition has been filed.



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3. The main contention of the revision petitioners is that Special Leave Petition is pending before the Supreme Court in SLP.No.021606 of 2024.

4. It is relevant to note that no stay whatsoever has been granted by the Supreme Court. In view of the above, mere pendency of the appeal will not amount to stay. In such view of the matter, as a matter of right, the revision petitioners cannot stall the execution proceedings. In the event, they succeed before the Supreme Court, remedy is always available to the petitioners for restitution under section 144 of Code of Civil Procedure. Hence, I do not find any merits in this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

09.06.2025

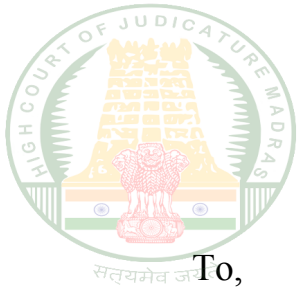
Index : Yes / No

Internet: Yes

Speaking/non speaking order

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To,

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The Subordinate Judge,
Mettupalayam.



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N. SATHISH KUMAR, J.

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