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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6242 of 2025

and

CMP No. 30863 of 2025

1.M.Ganesan

2.Selvi

Petitioner(s)

Vs

1.Muniammal

2.N.Sudhakar

f

Respondent(s)

PRAYER

Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to allow the present petition by setting aside the order dated 25.10.2025 passed in EP No.1723 of 2025 in OS No.1703 of 2019 by the Learned XXVI Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.R.Vinayaga Vishnu

For Respondent(s): Mr.A.P.Srinivasan

ORDER

The civil revision petition challenges the order of the delivery passed by the Executing Court in E.P.No.1723 of 2025 in O.S.No.1703 of 2019 on the file of XXVI Assistant City Civil Court, Chennai, dated 25.10.2025.



2. On perusal of the impugned order, I do not see any infirmity or impropriety in the order passed by the Learned Executing Court. The Executing Court has rightly taken note of the fact that decree had been passed within two years from the date of the decree and hence notice to the judgment debtor was not necessary. The Court has also rightly found that no stay has been granted by the Appellate Court. Therefore, ordered the Execution Petition for delivery of vacant possession to the decree holder.

3. The learned counsel for the petitioners states that the A.S.No.9 of 2025 has already been filed and the same is pending before the XV Additional Judge, City Civil Court, Chennai. However, he would fairly submit that there is no stay granted by the Appellate Court against the decree in O.S.No.1703 of 2019.

4. Per contra, Mr.A.P.Srinivasan, learned counsel, who takes notice for the respondents, submitted that the revision filed is only to protract the proceedings and admittedly the petitioners have suffered a decree for possessing the subject property and since 2019, for the last 6 years, the respondents are unable to get back their property.

5. In light of the above, I am inclined to dismiss the civil revision petition,



as an appeal filed by the petitioners is already pending before the First Appellate Court. It is for the petitioners to move appropriate stay application under order XLI Rule 5 of Civil Procedure Code (CPC) and if any filed on or before 15.12.2025, that the First Appellate Court shall dispose of the same on merits and in accordance with law expeditiously after hearing on both sides. The execution petition shall be deferred for a period of two weeks from the date of receipt of a copy of the order, to enable the petitioner to obtain interim orders in the pending first appeal.

6. In result, the Civil Revision Petition stands dismissed in the above terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

08-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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P.B.BALAJI J.

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