



C.R.P(MD)Nos.777 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.777 of 2025

1.S.Sankarasubramoni

2.Sundraraj

... Petitioners

Vs.

C.Paranthaman

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order and decretal order passed in E.P.No.39 of 2024 in O.S.No.192 of 2022, dated 19.02.2025 on the file of the I Additional Sub Court, Nagercoil and allow the Civil Revision Petition and thereby directing the Execution Court to proceed with the E.P by executing the decree within the time limit as may be fixed by this Court.

For Petitioners : Mr.C.Jhanaseelan

For Respondent : Mr.C.Jeganathan



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ORDER

The decree holder in O.S.No.192 of 2022 on the file of the I Additional Sub Court, Nagercoil has filed the present revision petition challenging the dismissal of E.P.No.39 of 2024.

2. A perusal of the records reveal that the revision petitioners have obtained a decree for ejectment as against the respondent herein. The respondent herein has filed A.S.No.60 of 2024 and the same is pending before the I Additional District Court, Nagercoil. So far no interim orders have been granted by the First Appellate Court.

3. Citing the pendency of the first appeal, the Executing Court has dismissed E.P.No.39 of 2024. Challenging the same, the present revision petition has been filed.

4. According to the learned Counsel appearing for the revision petitioners, mere pendency of appeal could not be a legal impediment for



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prosecuting the execution proceedings, as long as stay order has not been passed by the First Appellate Court. He further submits that the respondent being a tenant has not paid the rent from September, 2023 onwards. Though the rent is at the rate of Rs.17,600/-, he was paying only at the rate of Rs.16,000/- till August, 2023.

5. Per contra, the learned Counsel appearing for the respondent herein had contended that when the statutory first appeal is pending, if execution is proceeded with and he is pro note of the property, he will be put to great hardship.

6. Considering the above said facts, this Court is inclined to pass the following order:

"a) The order impugned in the revision petition is set aside. The respondent is directed to directly pay the rent at the rate of Rs.16,000/- per month from September, 2023 till date to the revision petitioner on or before 31.05.2025.



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b) *The learned First Additional District Judge, Nagercoil is directed to dispose of A.S.No.60 of 2024 on or before 31.08.2025.*

c) *In case, if the tenant has not paid the rent on or before 31.05.2025, the First Additional Sub Court, Nagercoil is directed to proceed with in E.P.No.39 of 2024 in accordance with law.*

d) *In case, if the tenant has paid the rent before 31.05.2025, the execution proceedings shall be kept in abeyance till 31.08.2025.*

e) *Even if the first appeal is not disposed of before 31.08.2025, the Executing Court is directed to proceed in accordance with law after 31.08.2025."*

7. With the above said observations and directions, this Civil Revision Petition stands allowed. There shall be no order as to costs.

21.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

The I Additional Sub Court,
Nagercoil.



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.777 of 2025

21.04.2025