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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6197 of 2026

CNR:{HCMA012097992026}

AND

CMP NO. 26813 OF 2026

1.Pushpavalli
2.N.Vadivelu

..Petitioner(s)

Vs

1.A.Ganesan

2.N. Palanivelu

3.Tirumangalam Janobaraga Permanent Fund Ltd.,
having office at No.1945,
18th Main Road,
Anna Nagar,
Chennai 040.
P.R. Natarajan (Died)

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the impugned order dated 17.08.2026 passed by the Learned X Asst. Judge, City Civil Court, Chennai in EP No.4794 of 2011 in OS No.8185/2005 and consequently dismiss the EP No.4794 of 2011 and pass such further or other order or orders as this Honourable Court.

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For Petitioner(s): M/S.S.A.Secular

For Respondent(s): P.Rajendrakumar
For R1
R2 - vacated
R3 – No such person

Order

This Civil Revision Petition is filed challenging the order passed by the Executing Court allowing the Execution Petition filed by the respondent decree holder seeking delivery of the property.

2. It is not in dispute that the respondents herein obtained a decree for recovery of possession and the same was confirmed by this Court in Second Appeal.

3. The second appeals filed by the petitioner in S.A.Nos.701, 702 and 703 of 2014 were dismissed by this Court 30.04.2026. Thereafter, the Executing Court has taken up the Execution Petition filed by the respondents for hearing and the impugned delivery order was passed.

4. It is seen from the impugned order that though the petitioners stated before the Executing Court that they have taken steps to challenge the order passed in second appeal by filing the SLP before the Supreme Court, however, the petitioners failed to produce any stay order from the Apex Court before the

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Executing Court. After recording the same, the Executing Court allowed the Execution Petition and passed order of delivery.

5. The learned counsel appearing for the petitioners vehemently contended that the petitioners moved the Legal Services Authority for the purpose of filing SLP before the Supreme Court. Since there is some delay in translating the papers, the petitioners could not get SLP numbered and get interim order from the Apex Court.

6. The judgment of this Court, dismissing the second appeal was delivered on 30.04.2026. Now we are in 4th week of October 2026. Even after elapse of more than four months, the petitioners have not produced any interim order from the Apex Court till date. Therefore, we cannot find fault with the delivery order passed by the Executing Court.

7. Taking into consideration the facts and circumstances of the case, this Court feels it is appropriate to direct the Executing Court to keep the impugned order in abeyance for a period of two weeks from today i.e., upto 11.11.2026. If the petitioners are unable to produce any stay order from the Apex Court before 11.11.2026, the Executing Court is at liberty to proceed with the Execution Petition in accordance with law.

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8. With these clarifications, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

Index : Yes
Speaking order:Yes
Neutral Citation:Yes
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To

The X Assistant Judge, City Civil Court,
Chennai.

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S.SOUNTHAR J.

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