



**C.R.P.No.2440 of 2023 and**

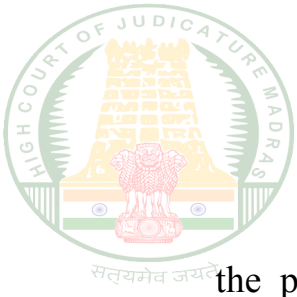
**C.M.P.No.15229 of 2023**

**V.BHAVANI SUBBAROYAN., J.**

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The petition is filed to stay all further proceedings in EP No. 7 of 2017 before the Learned Additional District Judge at Chengalpattu pending disposal of the Civil Revision Petition and pass orders.

2. The facts of the case is that the petitioner is the absolute owner of the subject property and he was in enjoyment and possession of the same. Whiles, the respondents herein entered into a criminal conspiracy and created forged documents with an intention to grab the subject property. Thereafter, the first respondent has filed a suit as against the second respondent in O.S.No.9 of 2015 before the Additional District Judge, Chengalpattu and the second respondent was set exparte and the said suit was decreed on 05.03.2015. Subsequently the first respondent initiated proceedings for execution of the sale deed in EP.No.7 of 2017 in his favour through the Court of law and accordingly a sale deed was executed by the learned Additional District Judge, Chengalpattu on 19.10.2022 which was duly registered as document Number 9182 of 2022. Aggrieved over the illegal transfer made in the subject property



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the petitioner approached the Execution Court and filed a petition to implead the petitioner as a third party in the O.S.No.9 of 2015, wherein, the learned Judge returned the petition and the reason assigned for returning is that as already registration is over and now the matter is posted only for handing over the possession of the subject property and passed an order on 10.07.2023, which is as follows: **“Already registration over. Now is posted as delivery stage. Hence this petition is returned.”** Hence this petition.

3.Considering the facts of the case, this Court is of the view that the petitioner had made out a *Prima facie* for grant of stay. Hence there shall be a order of interim stay till 21.08.2023.

4. Notice to the Respondents returnable by 21.08.2023. Post the matter on 21.08.2023

13.07.2023

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