

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) No.1100 to 1104 of 2015

and

M.P.Nos.1 to 1 of 2015

A.Parameswaran  
Proprietor of M/s R.C.Time Centre  
Ground Floor of Premises No.17/116  
T.H.Road, M.R.Nagar, Kodungaiyur,  
Chennai - 600 118. ... Petitioner in CRP 1100 of 2015

Sheik Mydeen  
Proprietor of J.B. Gift Shop  
Ground Floor, No.17/116  
T.H.Road, M.R.Nagar,  
Kodungaiyur, Chennai - 118. ... Petitioner in CRP 1101 of 2015

Uma Maheswari  
Proprietrix,  
M/s.Sivasakthi Medicals,  
Ground Floor,  
No.17/116 T.H.Road, M.R.Nagar,  
Kodungaiyur, Chennai - 600 118. ... Petitioner in CRP 1102 of 2015

Siddique,  
Proprietor of Sheik Gift Shop,  
Ground Floor,  
No.17/116 T.H.Road,  
M.R.Nagar, Kodungaiyur,  
Chennai - 600 118. ... Petitioner in CRP 1103 of 2015

S.Sivakala  
 Proprietrix of M/s.Zoom Printers,  
 First Floor,  
 No.17/116 T.H.Road,  
 M.R.Nagar, Kodungaiyur,  
 Chennai - 600 118.

... Petitioner in CRP 1104 of 2015

**Vs.**

R.Joh Mohana Prakash

... Respondent in all CRPs

**PRAYER:** Civil Revision Petitions filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order and decree dated 01.12.2014 made in M.P.No.234, 235, 233, 231 & 230 of 2014 in R.C.A.No.247, 248, 246, 244 & 243 of 2014 respectively passed by the Learned VIII Judge, Small Causes Court cum Rent Control Appellate Authority, Chennai.

For Petitioner : Mr.S.Ganesh

For Respondent : Mr.S.Dhaisaiya

### **ORDER**

These civil revision petitions are directed against the order dated 01.12.2014 passed by the Learned VIII Judge, Small Causes Court cum Rent Control Appellate Authority, Chennai, in M.P.No.234, 235, 233, 231 & 230 of 2014 in R.C.A.No.247, 248, 246, 244 & 243 of 2014 respectively.

2. These civil revision petitions are filed by the tenants in the Rent Control Proceedings. The respondent as a landlord initiated eviction proceedings against the petitioners in R.C.O.P.Nos.877, 878, 879, 881 & 882 of 2011 seeking eviction under Sections 10 (3) (a) (ii) and 10 (3) (b) of the Tamil Nadu Buildings (Lease and Rent Control) Act.

3. After the trial, the Rent Controller ordered eviction. Aggrieved by the order, the tenants have preferred appeals before the Rent Control Appellate Authority and also, filed miscellaneous petitions seeking stay of further proceedings. The Appellate Authority dismissed the stay petitions. Aggrieved by the order, the present civil revision petitions have been filed.

4. Mr.S.Ganesh, learned counsel for the petitioners/tenants submitted that the tenants have filed statutory appeals against the order of eviction, so they are entitled to an order of stay till the disposal of the appeals; that if stay is not granted and the tenants are evicted during the pendency of the appeals, the appeals would become infructuous and that the Appellate Authority has already heard the appeals and reserved for orders. However, taking advantage of the dismissal of the stay petition, the respondent/landlord has initiated execution proceedings to evict tenants.

5. Per contra, Mr.S.Dhaisaiya, learned counsel for the respondent/landlord submitted that the tenants have not co-operated for disposal of the appeals and they adopted dilatory tactics to prolong the litigation and in view of the fact, the Appellate Authority has dismissed the stay petitions. The learned counsel also submitted that the tenants and the landlord have already argued the case and they are reserved for orders.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, the Appellate Authority is directed to pass orders on the appeals RCA Nos. 247, 248, 246, 244 & 243 of 2014 as expeditiously as possible, preferably on or before 30.04.2015. The Executing Court shall keep the execution proceedings in abeyance till the disposal of the appeals.

Accordingly, these civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**16.03.2015**

Index : Yes/No

Internet : Yes/No

sms

To

The Learned VIII Judge,

Small Causes Court cum Rent Control Appellate Authority,

Chennai.

K.KALYANASUNDARAM, J.  
sms

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and  
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16.03.2015