

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NOS.1186 AND 1187 OF 2015
AND M.P.NOS.1 AND 1 OF 2015

P.G.Jayapathi

... Petitioner in both CRPs'

Vs.

1.P.Sundara Vinayagam

2.S.Sumitha

... Respondents in both CRPs'

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decree dated 17.12.2014 passed in I.A.No.7 of 2014 and I.A.No.8 of 2014 in R.C.O.P.No.1 of 2013 and R.C.O.P.No.2 of 2013 on the file of the District Munsif Court, Sholinghur.

For Petitioner : Mr.A.Gouthaman

COMMON ORDER

Heard the submissions made by Mr.A.Gouthaman, learned counsel for the petitioner and perused the materials available on record.

2. These Civil Revision Petitions have been filed challenging the order dated 17.12.2014 passed in I.A.No.7 of 2014 and I.A.No.8 of 2014 in R.C.O.P.No.1 of 2013 and R.C.O.P.No.2 of 2013 by the learned District Munsif, Sholinghur.

3. The respondents have filed R.C.O.P.No.1 of 2013 against the petitioner under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to fix fair rent to the petition premises. The respondents have also filed R.C.O.P.No.2 of 2013 against the petitioner under Sections 10(2)(ii)(b)(iii)(vii) and 3(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 seeking eviction of the petitioner.

4. In the Original Petitions, the petitioner filed applications in I.A.Nos.7 of 2014 and 8 of 2014 respectively, under Section 151 of the Civil Procedure Code seeking stay of further proceedings till the disposal of I.A.No.430 of 2014 in O.S.No.590 of 2014 pending on the file of the Sub Court, Arakkonam.

5. The case of the petitioner is that the respondents have entered into an agreement with the petitioner to sell the property and on the basis of the agreement of sale, the petitioner has instituted the suit in O.S.No.590 of

2014 for specific performance and also filed I.A.Nos.429 and 430 of 2014 respectively, in O.S.No.590 of 2014 seeking stay of further proceedings before the Rent Controller. The applications were opposed by the respondents. The Rent Controller dismissed the applications. Aggrieved by the same, the present Civil Revision Petitions are filed.

6.Mr.A.Gouthaman, learned counsel for the petitioner submitted that the petitioner has been in possession of the tenanted premises in pursuance of the agreement of sale and therefore, the proceedings before the Rent Controller are not maintainable in law. It is further submitted that the petitioner had already filed a suit for specific performance and also filed applications seeking interim stay of the eviction proceedings and till the disposal of the interlocutory applications, the petitioner is entitled for stay in the eviction proceedings.

7.I am not able to agree with the contentions of the learned counsel for the petitioner. In my view, the tenant is not entitled for stay till the disposal of the applications filed in O.S.No.590 of 2014. The Rent Controller has rightly dismissed the applications. Hence, I do not find any reason to interfere with the orders impugned in these Civil Revision Petitions.

8. In the result, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif Court
Sholinghur.

K.KALYANASUNDARAM, J.

TK

C.R.P.(PD) NOS.1186 AND 1187 OF 2015

25.03.2015