

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.1407 OF 2015

V.Manoj

... Petitioner

Vs.

1.D.Kumar

2.Chandrakantha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India with a prayer to dispose of the petition in E.A.No.34 of 2013 in E.P.No.566 of 2012 in R.C.O.P.No.649 of 1994 on the file of the XIII Small Causes Court at Chennai within the time frame.

For Petitioner : Mr.R.Devaraj

ORDER

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

2.This Civil Revision Petition is filed seeking for a direction to the learned XIII Judge, Small Causes Court, Chennai to dispose of E.A.No.34 of 2013 in E.P.No.566 of 2012 in R.C.O.P.No.649 of 1994.

3.It is seen that the petitioner / landlord has filed an eviction petition against the second respondent in R.C.O.P.No.649 of 1994. The learned Rent Controller has ordered eviction and the same was confirmed by the appellate authority in R.C.A.No.807 of 2007. Further, the Civil Revision Petition filed by the tenant in C.R.P.(NPD) No.960 of 2009 was dismissed by this Court on 09.04.2012. Thereafter, the petitioner has laid an execution petition in E.P.No.566 of 2012 for recovery of possession.

4.Mr.R.Devaraj, learned counsel for the petitioner submitted that in the Civil Revision Petition, the second respondent has given an undertaking to vacate the petition premises within a period of nine months and after expiry of the period, the landlord has levied the execution petition and thereafter, the first respondent claiming to be a sub-tenant under the second respondent / chief tenant has filed E.A.No.34 of 2013 resisting delivery of possession. The learned counsel further submitted that even as per the case of the first respondent, he is a sub-tenant under the second respondent and therefore, he is bound by the order of eviction passed against the chief tenant. It is further contended that the

application filed by the first respondent sub-tenant is not maintainable in view of Order XXI Rule 102 of the Civil Procedure Code.

5.The learned counsel for the petitioner further submitted that though the eviction petition was filed in the year 1994 and the landlord has succeeded in all the forums, he could not be able to enjoy the fruits of the decree. It is further submitted that the petitioner is entitled for speedy disposal of the case as guaranteed under Article 21 of the Constitution of India.

6.Considering the facts of the case and the submissions of the learned counsel for the petitioner, the learned XIII Judge, Small Causes Court, Chennai is directed to dispose of E.A.No.34 of 2013 in E.P.No.566 of 2012 in R.C.O.P.No.649 of 1994, on merits and in accordance with law, as expeditiously as possible, preferably on or before 30.06.2015.

7.This Civil Revision Petition is disposed of with the above direction. No costs.

01.04.2015

Index : Yes/No
Internet : Yes/No
TK

K.KALYANASUNDARAM, J.
TK

To

The XIII Judge
Small Causes Court
Chennai.

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