

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1559 of 2015 &
M.P.No.1 of 2015

V.Ravi

... Petitioner

v.

P.Mannarsamy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 26.3.2015 in E.P.No.531 of 2014 in R.C.O.P.No.2325 of 2013 on the file of the X Small Causes Court Judge at Chennai.

For Petitioner : Mr.R.Arun Kumar

ORDER

Challenging the order passed by the X Small Causes Court, Chennai in E.P.No.531 of 2014 in R.C.O.P.No.2325 of 2013, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord filed R.C.O.P.No.2325 of 2013 for eviction on the ground of willful default. In the said R.C.O.P., the landlord filed a petition in M.P.No.400 of 2014 under section 11(3) of the Tamil Nadu Buildings (Lease and Rent Control.) Act 18 of 1960 to direct the respondent to pay a sum of Rs.66,300/- towards the arrears of rent for the period from May 2013 till May 2014 and continue to pay the subsequent monthly rent, failing which, to stop all further proceedings in the main R.C.O.P.

3. The Rent Controller, allowed the application and directed the tenant to pay a sum of Rs.61,700/- after the deduction of Rs.19,900/- paid by the tenant towards advance and also directed the tenant to pay future monthly rent without any default.

4. Aggrieved over the order passed by the Rent Controller, the tenant preferred two appeals in R.C.A.Nos.700 and 701 of 2014 before the VIII Judge, Small Causes Court, Chennai. Since the tenant has failed to pay the arrears, the Rent Control Appellate Authority vacated the order of interim stay. Thereafter, the landlord filed an Execution Petition in E.P.No.531 of 2014 on the file of X Judge, Small Causes Court, Chennai. The Execution Court, by order dated 26.3.2015, ordered delivery of possession by 10.4.2015 recording that there was no stay pending in RCA and no other reason was put-forth by the tenant for not ordering delivery of possession.

5. In the absence of any stay granted by the Rent Control Appellate Authority, the Execution Court is perfect correct in ordering delivery of possession.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.04.2015

Index : No
Internet : Yes

Rj

To

The X Small Causes Court Judge,
Chennai.

M. DURAISWAMY,J.,

Rj

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