

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2161 of 2015
and M.P.No.1 of 2015

M/s Buhari Sons Pvt Ltd
rep by its Director
M.B. Haja,
New No.41, old No.19,
Gandhi Irwin Road,
Egmore, Chennai-600 008

... Petitioner

vs

M/s Hotel A.R.A.P (P) Ltd
rep by its Managing Partner,
A. Prabakaran,
New Nos.37 & 39,
Old Nos.17 & 18,
Gandhi Irwin Road, Egmore,
Chennai-600 008

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution

of India to set aside the order passed in M.P.N.343 of 2015 in R.C.A.No.260 of 2015 dated 30.4.2015 passed by VII Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.T.V. Ramanujam
Senior Counsel

For respondent : Ms.C. Sangamithirai

ORDER

The tenant in R.C.O.P No.1083/2009 on the file of XVI Judge, Court of Small Causes, Chennai has filed the above Civil Revision Petition to set aside the order passed in M.P.No.343 of 2015 in R.C.A.No.260 of 2015 on the file of VII Judge, Court of Small Causes, Chennai.

2. The respondent/landlord filed the Original Petition in R.C.O.P.No.1083/2009 for eviction on the ground of demolition and reconstruction. After contest, the Rent Controller ordered eviction and allowed the Original Petition. Aggrieved over the same, the tenant

preferred an appeal in R.C.A.No.260 of 2015 on the file of VII Court of Small Causes, Chennai.

3. In the Rent Control Appeal, the tenant filed a petition in M.P.No.343 of 2015, seeking for a stay of the order passed in R.C.O.P.No.1083 of 2009. By order dated 30.4.2015, the Rent Control Appellate Authority posted the matter to 1.6.2015 for filing counter and if counter is not filed on 1.6.2015, observed that suitable orders will be passed.

4. It is brought to the notice of this court that on 1.6.2015, the respondent/landlord filed their counter and the matter was adjourned to 2.6.2015 and on 2.6.2015, the learned Rent Control Appellate Authority, after hearing the arguments on behalf of the petitioner/tenant, posted the matter to 9.6.2015. Aggrieved over the same, the tenant has filed the above civil revision petition.

5. Mr.T.V. Ramanujam, learned Senior Counsel, appearing for the petitioner submitted that the Rent Control Appellate Authority,

having entertained the appeal, ought to have granted an order of interim stay, instead, the Rent Control Appellate Authority, had adjourned the matter to 9.6.2015. Further, the learned Senior Counsel submitted that if the order of eviction is not stayed, the petitioner would be put to hardship and prejudiced.

6. Ms. C. Sangamithirai, learned counsel appearing for the respondent submitted that the respondent/landlord has filed an execution petition, however, it has not yet been numbered.

7. Having regard to the submissions made by the learned counsel on either side, I am of the view that the Rent Control Appellate Authority can be directed to dispose of the appeal within a stipulated time and till such time, the order of eviction granted in RCOP No.1083/2009 can be stayed.

8. Accordingly, the VII Judge, Court of Small Causes, Chennai is directed to dispose of the appeal in RC.C.No.260 of 2015, on merits and in accordance with law, within a period of four months from the

date of receipt of copy of this order and there shall be an order of stay in M.P.No.343 of 2015 till the disposal of the appeal. Accordingly, M.P.No.343 of 2015 stands allowed.

9. The Rent Control Appellate Authority is directed to report the disposal of the appeal in RCA No.260 of 2015 to this Court.

10. With the above observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected Mp is closed.

8-6-2015

sr

Index:no
website:yes

Note:Issue order copy tomorrow

To

The VII Judge, Court of Small Causes, Chennai.

M.DURAISWAMY,J.,

Sr

C.R.P.(PD)No.2161 of 2015

8.6.2015

