

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

CRP.NPD.No.3656 of 2015 and
M.P.Nos.1 and 2 of 2015

1. Prabhu

2. Chandramohan

.. PETITIONERS

Vs

V.Balasubramaniam

.. RESPONDENT

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 4.9.2015 in E.P.No.68 of 2013 in RCOP.No.30 of 2008 on the file of the Rent Controller/District Munsif, Kancheepuram.

For petitioners : Mr.P.B.Balaji

For Respondent : Mr.Y.Jyothish Chander

ORDER

The Revision Petitioners are tenants. The Revision Petitioners have suffered a judgment and decree of eviction in RCOP.No.30 of 2008 by the learned Rent Controller/District Munsif, Kancheepuram. The details of the case is not relevant for disposal of this Revision Petition.

3. The Revision Petitioners filed RCA No.1 of 2012 before the Appellate Court/Subordinate Judge at Kancheepuram and the same is still pending.

4. It is admitted that once RCA No.1 of 2012 was dismissed for default and later it was restored to file and it is now posted for arguments on 11.09.2015.

5. It is also admitted that in the meantime, the respondent-landlord filed E.P.No.68 of 2013 in RCOP.No.30 of 2008 and delivery of possession was ordered on 04.09.2015 and it is submitted by the learned Counsel for the respondent-landlord that the respondent has yet to pay batta and the matter is posted to 30.09.2015.

6. The aforesaid facts make it clear that if Execution Petition is allowed and possession is handed over on 30.09.2015, RCA would become infructuous i.e. the valuable right of appeal of the Revision Petitioners would be of no use.

7. At the same time, the allegation made by the respondent

that the petitioners are dragging on the proceedings for the past three years cannot be brushed aside.

8. In these circumstances, the Civil Revision Petition is disposed of directing the Appellate Court at Kancheepuram to dispose of RCA.No.1 of 2012 by hearing arguments positively on 11.09.2015 and if not due to some reason or other, the argument of both sides would be heard on or before 15.09.2015 and the Appellate Court is directed to dispose of the RCA on or before 30.09.2015. It is needless to say that if the appeal is allowed, the Execution Petition will automatically get dismissed, otherwise, the Revision Petitioner shall face the execution proceeding in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

09.09.2015

Index : Yes

Internet:Yes

Note:

Issue order copy on 10.09.2015

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To

1. The District Munsif, Kancheepuram.
2. The Subordinate Judge, Kancheepuram.

D.HARIPARANTHAMAN, J.

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