



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(MD).No.297 of 2015 (NPD)

and

M.P.(MD).Nos.2 and 3 of 2015

Duraisingh

... Revision Petitioner/Respondent/
Tenant

vs.

Durai Arasan

... Respondent/Petitioner/Landlord

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.02.2015 in E.A.No.45 of 2015 in E.P.No.48 of 2014 in R.C.O.P.No.16 of 2013 on the file of the Principal District Munsif, Tuticorin.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.Durai Arasan, Party-in-person

O R D E R

In M.P.(MD).No.2 of 2015, interim stay was granted on 17.02.2015 by this Court on condition that the tenant should deposit a sum of Rs.16,400/- which is said to be the arrears.

2.The landlord appeared in person before this Court and also admits that there is no arrears of rent as on date.

3.By consent of both sides, the civil revision petition is taken up for final hearing.

4.The order in R.C.O.P was passed on 20.03.2014 and execution was levied by the landlord in the month of April 2014 and an order of interim stay was granted by this Court against the interlocutory application pending before the Rent Control Appellate Authority for the reason that there is no Presiding Officer from December 2014 and there was only an in-charge Judge, who is visiting the Subordinate Court, Tuticorin once in a week i.e., on every Friday. Now, it is brought to the notice of this Court that even though copies were made ready in April 2014 and the Appellate Authority was there till December 2014, the tenant had not taken any steps to obtain an order of stay. By then, the execution proceedings continued. In view of the order of stay, the execution proceedings were not proceeded with further.



5. Heard both sides.

6. The learned counsel for the revision petitioner only prayed time for disposal of the I.A.No.60 of 2014 in R.C.A.No.22 of 2014. However, after hearing the contention of the respondent, who appeared in person, the tenant had been in default, in paying the rent even pending the proceedings. Even on the date of moving the revision, there was arrears and on direction by this Court, it was deposited. The tenant is not able to say as to why he could not obtain an order of stay between April 2014 and December 2014 and rush to the Court after the execution petition was levied.

7. As there is no valid reasons coming forth from the tenant, this Court is inclined to vacate the stay already granted. The Subordinate Judge, Tuticorin is directed to dispose of the I.A.No.60 of 2014 in R.C.A.No.22 of 2014 before the 15th April 2015. Any observation made in this order will not prejudice the trial of I.A.No.60 of 2014 in R.C.A.No.22 of 2014.

With the above observation, the civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Cide)

/True Copy/

Sub-Assistant Registrar

TO

THE RENT CONTROLLER/PRINCIPAL DISTRICT MUNSIF,
TUTICORIN.

+1CC TO M/S.DURAI ARASAN, PARTY-IN-PERSON, IN SR NO.12795.

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