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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.03.2015**

**CORAM:**

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

**C.R.P (PD) (MD) .No.434 of 2015**

**and**

**M.P (MD) No.1 of 2015**

C.V.Samy

.. Petitioner/Respondent/Plaintiff

vs.

V.Jeyakumar

.. Respondent/Petitioner/2nd defendant

PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 06.01.2015 made in I.A.No.87 of 2014 in O.S.No.47 of 2013 on the file of the Principal District Munsif Court, Madurai Town.

For Petitioner :Mr.PT.S.Narendra Vasan

**ORDER**

This Civil Revision Petition is filed by the plaintiff, who filed a suit for recovery of possession. Pending suit, the second defendant filed I.A.No.87 of 2013 under Rule 154 of Civil Rules of Practice r/w Section 151 of C.P.C. According to the second defendant, he had been paying the rent for the vacant site to the plaintiff, who is the owner of the land. From November, 2012, the landlord/plaintiff refused to receive the rent. Therefore, the defendant sent a demand draft for Rs.10,000/- on 23.07.2013, which is rent for eight months. Even that was returned by the landlord refusing to receive the same. Therefore, to show his bonafides, the second defendant has filed the above interlocutory application to permit him to deposit the rent to the credit of the suit in the Court. The said application was allowed. Aggrieved by the same, the present revision petition is filed.

2. The contention of the learned counsel for the petitioner is that the application filed by the second defendant is not maintainable under Rule 154 of Civil Rules of Practice. Therefore, the application ought to have been dismissed.

3. But, the said application is also filed under Section 151 of C.P.C invoking the inherent powers of the Court. Therefore, the contention of the revision petitioner that the Court has got no power to permit the second defendant to deposit the arrears of rent into the Court under Rule 154 of Civil Rules of Practice, is unacceptable. The deposit of the second defendant is only without prejudice to the rights of both the parties. Therefore, the plaintiff, who has sought eviction of the property after removing the superstructure, cannot be aggrieved by the said order. Hence, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)



pm

To

The Principal District Munsif,  
Madurai Town.

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+1cc to Mr.PT.S.NARENDRAVASAN,ADVOVATE IN SR NO.11573

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