



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2015

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.455 of 2015 (NPD)

Jeyasingh

... Revision Petitioner

vs.

Durai Arasan

... Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 02.02.2015 in I.A.No.8 of 2014 in R.C.A.No.1 of 2014 on the file of the Subordinate Judge, Thoothukudi.

For Petitioner : Mr.G.Prabhu Rajadurai

ORDER

The tenant is the revision petitioner who suffered an order of eviction in R.C.O.P.No.19 of 2012 on the file of the Rent Control, Thoothukudi on 09.12.2013. Aggrieved by the same, he had preferred R.C.A.No.1 of 2014 along with I.A.No.8 of 2014. In I.A notice was ordered to the respondent on 14.02.2014. On 14.02.2014, Court notice as well as the private notice had not been served on the landlord. Hence, it was reposted on 12.03.2014 and on 12.03.2014 notice was not served and it was adjourned to 02.04.2014. On 02.04.2014, the landlord had appeared through counsel one Balamurugan. Thereafter, for filing counter, the landlord had been taking time on 02.06.2014, 01.07.2014, 17.02.2014, 22.07.2014, 25.07.2014, 02.08.2014, 21.08.2014, 26.08.2014, 15.09.2014, 22.09.2014, 07.10.2014, 13.10.2014, 05.11.2014 and on 13.11.2014. Therefore, for filing of the counter of the respondent, the matter was adjourned from January 2014 till 13.11.2014.

2.It is represented that after December 2014, there is no Presiding Officer in the Subordinate Court, Thoothukudi and therefore, R.C.A is pending.

3.In the mean while, the landlord respondent had filed E.P.No.27 of 2014 for taking delivery of vacant possession of the petition mentioned premises by vacating the tenant. The tenant had also filed E.A.No.46 of 2014 in E.P.No.278 of 2014 for stay of further proceedings, which was dismissed by the District Munsif Court on 09.02.2015.

4.Originally, this Court had granted interim stay on 09.03.2015 for the reason that there was no Presiding Officer to pass any order in R.C.A. However, the matter was listed again on 16.03.2015, the landlord respondent appeared on that day before this Court in person and expressed that he was not willing to engage the counsel and wanted to represent his case by himself. As the advocate was on boycott, there was no appearance by the learned counsel for the revision petitioner. Hence, the petition in M.P.(MD).No.1 of 2015 was dismissed for non-prosecution. Taking



advantage of the same, the landlord said to be proceeding with the execution proceedings.

5. Today when the matter is posted, there is no appearance by the landlord.

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6. The learned counsel for the petitioner represents that though there was Presiding Officer in the concerned Court till November 2014, at the instance of the landlord, the matter was adjourned time and again for filing counter. From December 2014, there is no Presiding Officer, which is now taken advantage of by the landlord and he is pressing for the execution petition.

7. In such circumstances, the Judge in-charge, is sitting in the Subordinate Court, Thoothukudi only on Fridays. Therefore, the landlord respondent is directed to file his counter on or before 31st March 2015 and thereafter, the Subordinate Court, Thoothukudi or the Judge in-charge is directed to dispose of I.A.No.8 of 2014 in R.C.A.No.1 of 2014 on or before 24th April 2015. Till the disposal of I.A.No.8 of 2014, the execution petition in E.P.No.27 of 2014 should not be proceeded with.

With the above direction, the civil revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.side)

\\True copy\\

Sub Assistant Registrar

To

The Subordinate Judge, Thoothukudi.

+1CC TO MR.G.PRABHU RAJADURAI, ADVOCATE SR.NO.13525

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