

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4795 of 2015 &

M.P.No.1 of 2015

The State of Tamil Nadu
Rep. By by the Collector of Madras cum
Accommodation Controller
Singaravelar Maligai
Chennai – 600 001.

... Petitioner

v.

R.J. Amarnath
Respondents

...

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 27.10.2015 passed in E.A.No.4311 of 2013 in in E.P.No.3783 of 2011 in O.S.No.8976 of 1996 on the file of City Civil Court (IX Assistant Judge), Chennai.

For Petitioner : Ms.Jaishree
Spl. Govt. Pleader

ORDER

Challenging the fair and final order passed in E.A.No.4311 of 2013 in in E.P.No.3783 of 2011 in O.S.No.8976 of 1996 on the file of IX Assistant Judge, City Civil Court, Chennai, the defendant has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.8976 of 1996 for recovery of a sum of Rs.3,75,270/- together with interest.

3. The defendant filed their written statement. In the written statement, the defendant has stated that the premises was under the Government tenancy for a long period and it was occupied by Senior Superintendent of Post Offices, Madras City Central Division, Chennai from 28.3.1952. Originally, the rent was fixed at Rs.200/- per month and in the Rent Control Proceedings, the fair rent was fixed at Rs.1,111/-. For the arrears of the rent, the plaintiff has filed the suit. Further, in the written statement, the defendant had admitted that the defendant has to pay a sum of Rs.1,42,116/- as arrears of rent and prayed for dismissal of the suit.

4. The Trial Court, taking into consideration the oral and documentary evidences let in by both the parties, decreed the suit for a sum of

Rs.1,42,116/- together with interest at the rate of 9% per annum.

5. Pursuant to the decree passed in O.S.No.8976 of 1996, the plaintiff filed an Execution Petition in E.P.No.3783 of 2011 for the said sum of Rs.1,42,116/-. In the said Execution Petition, the defendant filed an application in E.A.No.4311 of 2013 under section 47 of CPC raising various defences, which were not raised in the written statement.

6. When the defendant had specifically admitted in paragraph No.4 of the written statement that they are liable to pay a sum of Rs.1,42,116/- as arrears of rent, the contention now raised by the defendant in the application filed under section 47 of CPC cannot stand. In these circumstances, the Execution Court, has rightly dismissed the application.

7. In view of the above, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

12.01.2016

Rj

To

The IX Assistant Judge

City Civil Court
Chennai

M. DURAISWAMY,J.,

Rj

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