

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1061 of 2016
and C.M.P.No.15873 of 2016

M.Mohan

... Petitioner

Vs.

C.Udaychand

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 against the fair and decreetal order dated 05.03.2016 made in M.P.No.65 of 2016 in R.C.A.No.135 of 2016 on the file of the IX Small Causes Court, Chennai.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mr.M.L.Ramesh

ORDER

Challenging the fair and final order passed in M.P.No.65 of 2016 in R.C.A.No.135 of 2016 on the file of the IX Judge, Small Causes Court, Chennai, the tenant has filed the above Civil Revision Petition.

2.The respondent/landlord filed R.C.O.P.No.2354 of 2012 on the file of the XV Judge, Court of Small Causes, Chennai for eviction on the ground of willful default.

3.The tenant contested the Original Petition and the Rent Controller, taking into consideration the oral and documentary evidences of both parties, allowed the petition and ordered eviction. Aggrieved over the same, the tenant preferred an Appeal in R.C.A.No.135 of 2016. In the said Appeal, the tenant filed an application in M.P.No.65 of 2016 to stay the order of eviction passed in R.C.O.P.No.2354 of 2012. The Rent Control Appellate Authority declined to grant an order of interim stay and kept the stay petition pending. Aggrieved over the same, the tenant has filed the above Civil Revision Petition.

4.Since the order of eviction passed by the Rent Controller is under challenge in R.C.A.No.135 of 2016, the Rent Control Appellate Authority should have granted an order of stay till the disposal of the Appeal in R.C.A.No.135 of 2016. In the case of denial of an order of stay by the Rent Control Appellate Authority, the respondent/landlord could have executed the decree passed against the tenant.

5.In these circumstances, I am of the view that the petitioner is entitled to an order of interim stay till the disposal of the Appeal. Accordingly, the order passed in R.C.O.P.No.2354 of 2012 on the file of the XV Judge, Court of Small Causes, Chennai is stayed till the disposal of the Appeal in R.C.A.No.135 of 2016.

6.Since it is brought to the notice of this Court that the respondent/ landlord is aged more than 75 years, I direct the IX Judge, Court of Small Causes, Chennai to dispose of the Appeal in R.C.A.No.135 of 2016, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

7.With these observations, the Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Internet : Yes

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Note: Issue order copy on 28.06.2016.

To

The IX Small Causes Court,
Chennai.

M.DURAIWAMY,J.
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24.06.2016