

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

CRP (NPD) No.1202 of 2016

NMZ Trust

Rep. by present Managing Trustee

Mr.N.M.Zackariah

Having registered office at

No.67, EVK Sampath Road,

Vepery, Chennai – 600 007.

.. Petitioner

Vs

M/s.Barnas International Pvt. Ltd.,

Rep. by Managing Director

Mr.Jasjit Singh Barnala

carrying on business at

14, Valliammal Road,

Vepery, Chennai – 600 007.

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the impugned order dated 4.4.2016 passed by the learned XIV Judge (in-charge XIII Judge), Court of Small Causes at Chennai in EPSR.No.6038 of 2016 in RCOP.No.1930 of 2013 and direct the learned XIV Small Causes Court, Chennai, to number the Execution Petition and proceed with the same in accordance with law.

For Petitioner

:Mr.M.Manivasagam

ORDER

This Civil Revision Petition has been filed challenging the refusal of the Executing Court to number the Execution Petition.

2. The impugned order dated 04.04.2016 passed in the Execution Petition reads as under:

"The decree passed in RCOP.No.1930/13 is consequential and passed based on the order in MP.417/2015 filed u/s. 11(4) of the Act. Since the Hon'ble High Court has granted interim stay in CRP(NPD) No.448/16, dated 18.02.16 against order passed in MP.241/16 in RCA.No.603/16, which was filed against MP.417/15 in RCOP.No.1930/13, the consequential order in RCOP.No.1930/13 also stands stayed and hence all further proceedings also stands stayed. In view of the interim stay in CRP(NPD) No.448/16, C/O. 25.04.2016 for awaiting further orders from Hon'ble HC. C/O. 25/4/2016."

3. Challenging this order, the revision petition is filed seeking direction to the Executing Court to take the Execution Petition on file.

4. In CRP (NPD). No.448 of 2016, this Court, by an order dated 18.02.2016, has directed the tenant to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the credit of RCOP.No.1930 of 2013, and that order has been complied with. Therefore, the prayer for in this Civil Revision Petition cannot be granted.

5. The impugned order of eviction in RCOP.No.1903 of 2013 has been made for non-payment of rent, i.e., it is an order of eviction passed under Section 11(3) of the Tamil Nadu Buildings (Lease & Rent Control) Act.

6. Under such circumstances, there is no merits in this Civil Revision Petition. Hence, this Civil Revision Petition is dismissed. No costs.

15.04.2016

ds

To:

The XIV Small Causes Court,
Chennai,

S.VIMALA,J.

ds

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15.04.2016