

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM

THE HON 'BLE **DR. JUSTICE S.VIMALA**

**C.R.P. (NPD) No.1301 of 2016**

Siluvaimani

... Petitioner

Vs.

R.Nagaraj

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India to dispose off the R.C.A.No.21/2012 on the file of Rent Control Appellate Authority cum II Additional Sub Court, Coimbatore.

For Petitioner : Mr.S.Mukunth

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**ORDER**

"Today the Courts system is ossified to the point, priced to the level, and slow to the degree, where they cannot flexibly assist disputants in dissolving their every day dispute" - proclaims Justice V.R.Krishnaiyer, in the Book, titled as 'Justice at Cross Road'.

1.1. This case is a classic example, where the procedure adopted was not flexible in assisting the disputants.

2. This Civil Revision Petition has been filed seeking direction to the learned Additional Sub Court, Coimbatore, to dispose of R.C.A.No.21/2012, within a limited time frame to be fixed by this Court.

3. Having regard to the limited prayer asked for in this petition, notice to the respondent is dispensed with.

4. The landlady filed an application before the Rent Controller/District Munsif Court, Coimbatore, in R.C.O.P.No.241 of 1995, seeking eviction on the ground of willful default in payment of monthly rent and on the ground of demolition and reconstruction. That matter was kept pending for a period of five years.

5. Thereafter, the revision petitioner/landlady filed C.R.P.(NPD) No.598 of 2010, seeking directions from this Court for speedy disposal. Accordingly, this Court by an order dated 30.07.2010, has directed the Rent Controller to dispose of the R.C.O.P.No.241 of 1995, within a period of three months from the date of receipt of a copy of the order. As per the directions of this Court, the said R.C.O.P.No.241 of 1995 was disposed of, on 18.10.2011 by the learned III Additional District Munsif Court, Coimbatore.

6. Aggrieved over the same, R.C.A.No.21 of 2012 has been filed by the respondent / tenant before the learned Subordinate Judge, Coimbatore and the same is kept pending from the year 2012 and that made the petitioner / landlady to file this Civil Revision Petition seeking direction to the Rent Control Appellate Authority to dispose of R.C.A.No.21 of 2012,

within the limited time frame to be fixed by this Court.

7. It is pointed out by the learned counsel for the Revision Petitioner that already the tenant is liable to pay arrears of rent to the tune of Rs.5,02,000/-. It is pointed out that the case is kept pending, not on account of workload, but on account of the fact that the records are awaited from the trial Court.

8. A perusal of the notes paper entries from 31.10.2012 till 27.01.2016 i.e., over a period of three years, reveals that the case is kept pending for want of records. The fact remains that the Court from which the records are sought for is located within the same campus. Then, why the matter is kept pending, for want of records, over a period of three years time, is not known.

9. It is the grievance of the revision petitioner/landlady that her application filed under Section 11(4) of the Tamilnadu Building (Lease and Rent Control Act) has not been numbered.

10. The way in which the proceedings are conducted before the Rent Control appellate Authority only disclose the non-application of mind. The only document that is referred to in the R.C.O.P. is the copy of the notice dated 13.06.1995 issued by the landlady to the tenant and the

acknowledgement (by the tenant) having received the notice sent. Moreover, the Court could have called upon the Rent Controller as to why the document was not sent, when it was needed for the disposal of the appeal. This single step would have enabled the Appellate Court to have obtained the document without any delay.

10.1. Therefore, having regard to the nature of document relied upon either the Court could have obtained the copy of the same from the landlady or the tenant or could have relied upon the observations made by the Rent Controller himself.

11. Under such circumstances, the direction sought for to dispose of R.C.A.No. 21 of 2012 cannot be said to unreasonable and that it is to be granted.

12. In view of the same, the Rent Control Appellate Authority cum II Additional Subordinate Judge, Coimbatore is directed to dispose of the appeal in R.C.A.No.21 of 2012, within a period of two months from the date of receipt of a copy of this order.

13. This Civil Revision Petition is disposed of accordingly. No costs.

26.04.2016

mrp/arr/srk

To

1. The Rent Control Appellate Authority cum II Additional Sub Court,  
Coimbatore.

**S.VIMALA. J.,**  
mrp/arr

C.R.P. (NPD) No.1301 of 2016

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