

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.04.2016

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

CRP (NPD) No.1368 of 2016

and

C.M.P.No.7144 of 2016

R.Srihari

....

Petitioner/landlord

.Vs.

J.Sharmila

....

Respondent/Tenant

Prayer : Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and decreetal order of the Appellate Authority (Sub Court),Tambaram dated 29.03.2016 made in I.A.No.13 of 2015 in R.C.A.No.29/2014.

For Petitioner : Mr.R.Subramanian

ORDER

The landlord is the revision petitioner herein and the tenant is the respondent.

2. The petitioner/landlord has filed an application in I.A.No.13 of 2015 seeking to stay further proceedings in E.P.No.115 of 2014, in R.C.O.P.No.33 of 2013, pending on the file of the learned Principal

District Munsif Court, Alandur.

3. The Rent Control Appellate Authority, by an order dated 23.03.2016 has ordered stay of execution proceedings in E.P.No.115 of 2014 in R.C.O.P.No.33 of 2013, on the file of the Principal District Munsif Court, Alandur. This order is under challenge in this revision petition.

4. The learned counsel for the revision petitioner/ landlord submitted that the tenant is in arrears of rent for the period from March 2014 to April 2016 i.e. for a period of 25 months, for Rs.4,32,500/- and when the tenant is in huge arrears of rent, the Executing Court ought not to have stayed the proceedings. The learned counsel for the petitioner submits that a direction from this Court for speedy disposal of R.C.A. would serve the ends of justice.

5. Considering the limited scope of prayer now sought for by the learned counsel for the petitioner, notice to the respondent is dispensed with.

6. The Rent Control Appellate Authority is directed to dispose of R.C.A.No.29 of 2014, within a period of two months from the date of receipt of a copy of this order.

This Civil Revision Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

29.04.2016

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To

The Appellate Authority (Sub Court), Tambaram

S.VIMALA.J

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29.04.2016

2. The petitioner/landlord filed R.C.O.P.No.33 of 2013 before the learned Principal District Munsif, Alandur seeking direction to the respondent to vacate and deliver the vacant possession of the property on the ground of wilful default and for owner's occupation. The Principal District Munsif Court, by an order dated 06.08.2014 has allowed the R.C.O.P.No.33 of 2013, restraining the respondent from prosecuting the case. (page No.39).

3. The petitioner/landlord has filed the Execution Petition in E.P.No.115 of 2014.

4. Challenging the order passed in R.C.O.P.No.33 of 2013, the respondent/tenant filed R.C.A.No.29 of 2014. The respondent/tenant has also filed a Miscellaneous Petition challenging the Execution Proceedings in E.P.No.115 of 2014.

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