

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

**C.R.P.(NPD).No.1837 of 2016
and C.M.P.No.9644 of 2016**

L.Fukokuva Leyanstic Anandh

... Petitioner

Vs.

M.Kalaiselvi

... Respondent

Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the order dated 25.04.2016 made in I.A.No.53 of 2016 in R.C.A.No.9 of 2016 on the file of the Subordinate Judge, Poonamallee.

For Petitioner : Mr.T.Thiageswaran
for M/s.Waraon & Sai Rams

For Respondent : Mr.P.B.Balaji

ORDER

Challenging the fair and final order passed in I.A.No.53 of 2016 in R.C.A.No.9 of 2016 on the file of the Subordinate Court, Poonamallee, the tenant has filed the above Civil Revision Petition.

2.As against the order passed in an application filed under Section

11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, in M.P.No.127 of 2015 in R.C.O.P.No.34 of 2015 on the file of the District Munsif Court cum Rent Controller, Ambattur, the tenant has filed an Appeal in R.C.A.No.9 of 2016 before the Subordinate Court, Poonamallee.

3.In the Rent Control Appeal, the tenant also filed an application in I.A.No.53 of 2016 praying for stay of all further proceedings pursuant to the order passed by the Rent Controller, Ambattur, by order dated 20.01.2016 in M.P.No.127 of 2015 in R.C.O.P.No.34 of 2015 till the disposal of the Appeal. The respondent/landlady filed her counter and contested the petition. The Rent Control Appellate Authority dismissed the stay petition on the ground that the tenant has not paid the arrears of rent.

4.The learned counsel for the petitioner submitted that as against the consequential order passed in R.C.O.P.No.34 of 2015, the tenant has filed an Appeal in R.C.A.No.21 of 2016 before the Rent Control Appellate Authority, Subordinate Court, Poonamallee and in the said Appeal, the tenant had deposited a sum of Rs.2,80,000/-.

5.Mr.P.B.Balaji, the learned counsel appearing for the respondent/landlady fairly submitted that the petitioner had deposited a sum of

Rs.2,80,000/- in the Appeal in R.C.A.No.21 of 2016.

6.In view of the submissions made by the learned counsel on either side, I am of the view that the Rent Control Appellate Authority should have granted stay during the pendency of the Appeal. By dismissing the petition for stay, the petitioner/tenant would be put to hardship and prejudice.

7.In these circumstances, the fair and decreetal order passed in I.A.No.53 of 2016 are liable to be set aside. Accordingly, the same are set aside. The stay petition in I.A.No.53 of 2016 in R.C.A.No.9 of 2016 stands allowed. In the result, the Civil Revision Petition is allowed.

8.Since the Appeal in R.C.A.No.9 of 2016 has been preferred by the tenant as against the interim order passed in M.P.No.127 of 2015 and the Appeal in R.C.A.No.21 of 2016 has been filed as against the consequential order passed in R.C.O.P.No.34 of 2015, I direct the Rent Control Appellate Authority, Subordinate Judge, Poonamallee, to dispose of both the Appeals, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Internet : Yes
va

M.DURAI SWAMY,J.
va

To

The Subordinate Judge,
Poonamallee.

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