

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.216 of 2016

and

CMP No.1084 of 2016

M.S. Zakir Hussain

... Petitioner

vs

Dr.M.P. Narayanan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India directing the Rent Control Appellate Authority/VII Small Causes Court, Chennai to dispose of M.P.No.385 of 2015 in R.C.A.Sr.No.11628/2015, after its numbering.

For Petitioner : M/s S. Haja Mohideen Gisthi

ORDER

The tenant has filed the above Civil Revision Petition to direct the Rent Control Appellate Authority/VII Judge, Court of Small Causes to dispose of the petition in M.P.No.385 of 2015 in R.C.A.SR No.11628/2015, which was filed by him against the order of eviction passed in R.C.O.P.No. 2508 of 2012 on the file of Rent Controller/XV Judge, Court of Small Causes, Chennai.

2. Mr.S. Haja Mohideen Gisthi, learned counsel appearing for the petitioner submitted that challenging the order of eviction, passed in R.C.O.P No. 2508 of 2012 , the petitioner has filed an appeal in R.C.A.SR No.11628/2015 with a delay of 33 days in filing the appeal. To condone the delay of 33 days, the petitioner/tenant filed a petition in M.P.No.385 of 2015. The learned counsel also submitted that the tenant has also filed stay petition in the Rent Control Appeal.

3. Further, the learned counsel for the petitioner submitted that pursuant to the decree passed in R.C.O.P.No.2508 of 2012, the respondent/landlord has filed an Execution Petition in E.P.No.474 of 2015 before XV Court of Small Causes, Chennai. The learned counsel

further submitted that the Execution Petition is coming up for arguments on 27.01.2016. The learned counsel submitted that if the Execution Petition is ordered in favour of the respondent/landlord, the petitioner's appeal in R.C.A.SR No. 11628/2015 would become infructuous.

4. Having regard to the submissions made by the learned counsel for the petitioner and taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the Rent Control Appellate Authority/VII Judge, Court of Small Causes to dispose of the petition in M.P.No.385 of 2015 in R.C.A.SR No.11628/2015 within a period of one week from the date of receipt of copy of this order.

5. The Rent Control Appellate Authority/VII Judge, Court of Small Causes is also directed to pass orders in the stay petition, filed by the petitioner/tenant, within a week's time.

6. Since the Execution Petition in E.P.No.474 of 2015 is coming up for arguments on 27.01.2016, the petitioner is at liberty to

file an application for stay under Order 21 Rule 26 of Civil Procedure Code before the Executing Court and the Executing Court is directed to consider the application, to be filed by the petitioner, under Order 21 Rule 26 of Civil Procedure Code and dispose of the same in accordance with law at the earliest.

7. With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected MP is closed.

25-01-2016

Index:no
website:yes

Note: Issue Order copy Today

To

1. The VII Judge, Court of Small Causes, Chennai
2. The XV Judge, Court of Small Causes, Chennai.

M. DURAISWAMY,J.,

sr

CRP(NPD)No.216 of 2016

25-01-2016