

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.3356 of 2016

and

C.M.P.No.17178 of 2016

R.Sivasubramaniam

.. Petitioner

Vs.

A.Gowkarjan

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying against the fair and final order dated 24.09.2016 in I.A.No.769 of 2016 in O.S.No.281 of 2011 on the file of the District Munsif Court, Pollachi.

For petitioner : Mr.S.Gunalan

For respondent : No appearance

ORDER

This revision petition is filed by the defendant/tenant, aggrieved by the order passed in I.A.No.769 of 2016 in O.S.No.281 of 2011, directing him to pay the arrears of rent being a sum of Rs.1,17,000/-.

2. According to the revision petitioner/defendant/tenant, original rent was Rs.1,200/- and he has also paid Rs.10,000/- as advance. Besides that, the respondent/plaintiff/landlord has not given the break-up for the said sum of Rs.1,17,000/-. However, in the plaint, it is mentioned that the arrears of rent are

from 05.10.2007 to 05.01.2011. Therefore, the petitioner/tenant contended that the claim is barred under Article 54 of the Limitation Act. Hence, the impugned order of the learned District Munsif is liable to be set aside. It is also stated by the petitioner that till such time the jural relationship of the landlord-tenant is decided in the suit, the respondent/landlord is not entitled to claim any amount.

3. Without going into the merits of the case, this Court, while confirming the impugned order of the District Munsif, directs the revision petitioner/tenant to deposit the said sum of Rs.1,17,000/- before the trial Court and the said amount shall be kept only in Court deposit to the credit of the suit. The respondent/plaintiff/landlord is not permitted to withdraw the said sum till the disposal of the suit. It is open for the petitioner/tenant to deposit the said amount in any of the Nationalised Bank after getting appropriate orders from the trial Court. The petitioner/tenant shall deposit the said amount within four weeks from the date of receipt of a copy of this order. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, C.M.P. is closed.

15.12.2016

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Copy to

The District Munsif, Pollachi.

PUSHPA SATHYANARAYANA,J

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