

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.56 of 2016 &

C.M.P.No.286 of 2016

1.Parvathi
2.Kamatchi
3.Lalitha

... Petitioners

v.

Velmurugan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree dated 03.11.2015 passed in E.A.No.77 of 2015 in E.P.No.62 of 2010 in R.C.O.P.No.3 of 2010 on the file of District Munsif Court at Madurantakam, Kanchipuram District.

For Petitioners : Mr.G.Mahesh Kumar

For Respondent : Mr.K.Govi Ganesan

ORDER

Challenging the fair and final order passed in E.A.No.77 of 2015 in E.P.No.62 of 2010 in R.C.O.P.No.3 of 2010 on the file of District Munsif Court, Madurantakam, the judgment debtors have filed the above Civil Revision Petition.

2. The revision petitioners, preferred a Civil Revision Petition in C.R.P. (NPD) No.1219 of 2015, challenging the order passed in E.A.No.130 of 2014 in R.C.O.P.No.3 of 2010.

3. It is brought to the notice of this court that the respondent filed R.C.O.P.No.3 of 2010 for eviction on the ground of willful default.

4. Since the tenants remained absent before the Rent Controller, an ex-parte order of eviction was ordered by the Rent Controller. Thereafter, the petitioners filed an application to set aside the ex-parte order, which was allowed by the Rent Controller on payment of cost of RS.1,500/-. However, the tenants did not pay the cost within the stipulated time and therefore, they filed an application for extension of time. The application filed by the tenants for extension of time was allowed by the Rent Controller on payment of cost of Rs.500/-. Since the tenants failed to pay the cost of Rs.500/-, the Rent Controller, dismissed the application.

5. Aggrieved over the same, the tenants preferred a Civil Revision Petition in CRP (NPD) No.1219 of 2015 with a delay, however, the delay was condoned by this court. But, ultimately, the Civil Revision Petition was dismissed by this court on 31.03.2015.

6. After the dismissal of the Civil Revision Petition, the tenants filed a Review Application in Review SR. No.49317 of 2015 before this court. Pursuant to the decree passed in R.C.O.P.No.3 of 2010, the respondent-landlord filed an Execution Petition in E.P.No.62 of 2010. After the filing of the Review Application before this court, the tenants filed an application under Order 21, Rule 26 of CPC to stay the Execution Petition till the disposal of the Review Application.

7. As already stated, the Civil Revision Petition was dismissed by this court on 31.3.2015 and subsequently, the tenants also filed a Review application in Review SR. No.49317 of 2015. It is also brought to the notice of this court that the said Review application has not yet been numbered. When the tenants have not taken any steps to get the Review Application being numbered, the Execution Court has rightly dismissed the petition filed by the tenants in E.A.No.77 of 2015.

8. The conduct of the revision petitioners would clearly establish that they bent upon to drag on the matter for an indefinite period, which cannot be allowed. The Execution Court, taking into consideration all these aspects, rightly dismissed the application.

9. In these circumstances, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

22.01.2016

Rj

To

The District Munsif Court
Madurantakam,
Kanchipuram District.

M. DURAISWAMY,J.,

C.R.P.(NPD)No.56 of 2016 &
C.M.P.No.286 of 2016

22.01.2016