



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Eleventh day of March Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.1314 of 2016

IN

CRP(MD) No.1666 of 2011

CHELLAMMAL

... PETITIONER/RESPONDENT

Vs

RAMALINGAM

... RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the sum of Rs. 1,35,000/- deposited by the respondent herein in Petition No.160/2004 on the file of the Revenue Court, Trichirappalli in pursuant to the order dated 29.10.2011 passed in CRP.(MD).No.1666/2011 on the file of this Honourable Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. N.C.ASHOK KUMAR, Advocate for the petitioner and of MR.T.VADIVELAN on behalf of the Respondent the court made the following order:-

The petitioner is the landlord. The respondent is the tenant. The respondent did not pay the rent. Therefore, the petitioner filed petition in R.P.No.160 of 2004 before the Assistant Commissioner, Revenue Court, Trichirappalli for eviction of the respondent and the respondent remained ex-parte. Therefore, order of eviction was passed. Subsequently, he filed application in M.P.No.61 of 2008 to set aside the ex-parte order of eviction. The Assistant Commissioner, Revenue Court, Trichirappalli allowed application on condition that the respondent pays entire arrears of Rs.5,40,000/- to the petitioner. Against that order, the respondent filed C.R.P. (MD)No.1666 of 2011. This Court, by the order, dated 29.10.2011 partly allowed the C.R.P., modifying the order of the Assistant Commissioner, Revenue Court, Trichirappalli and directed the respondent to deposit 25% of the amount mentioned in the order passed in Petition No.160 of 2004 in the Court below on or before 30.11.2011. The respondent deposited the same into the Court. When the petitioner approached the Assistant Commissioner, Revenue Court, Trichirappalli for payment, he was directed to approach this Court. Therefore, he has come out with the present petition for permission



to withdraw a sum of Rs.1,35,000/- deposited by the respondent in Petition No.160 of 2004 on the file of the Assistant Commissioner, Revenue Court, Trichirappalli.

2.The respondent even after taking three adjournments did not file any counter. Admittedly, the petitioner is the owner of the land. The respondent is cultivating tenant. In the petition filed by the petitioner for eviction of the respondent, the respondent was directed to deposit the arrears of rent of Rs.5,40,000/- as condition to hear the matter on merits. The said order was modified by this Court in the above said C.R.P.(MD)No.1666 of 2011 on condition to deposit 25% of the rent. The respondent also deposited the said amount.

3.Considering the fact that petitioner is landlord and respondent is cultivating Tenant and already the respondent deposited the rent payable to the petitioner. This petition is ordered permitting the petitioner to withdraw a sum of Rs.1,35,000/-.

sd/-
11/03/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ASSISTANT REVENUE COMMISSIONER, TRICHIRAPALLI

+1. C.C. to M/S. N.C.ASHOK KUMAR Advocate SR.No.13946

+1cc to Mr.T.VADIVELAN, Advocate Sr.No.13976

ORDER
IN
CMP(MD) No.1314 of 2016
IN
CRP(MD) No.1666 of 2011
Date :11/03/2016

AA/NGM-SS/AR-I/17.03.2016/2p-4c