



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P. (MD) No.671 of 2015

and

M.P (MD) No.1 of 2015

M.Sasi Kumar

.. Revision Petitioner

-Vs-

Suseela Bai

.. Respondent

Prayer:- Petition filed under Section 115 of Code of Civil Procedure to set aside the Ex-party delivery order dated 29.01.2015 made in E.P.No.105 of 2013 in R.C.O.P.No.9 of 2010 by the Principal District Munsif, Dindigul (Rent Controller).

For Appellant : Mr.S.Jeyakumar
For Respondents : Mr.J.Viswanathan

ORDER

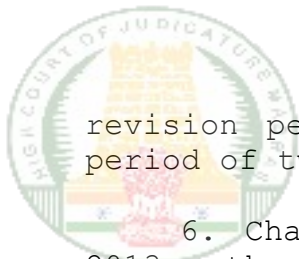
The order dated 29.01.2015 and made in execution proceedings in E.P.No.105 of 2013 in R.C.O.P.No.9 of 2010, on the file of the Rent Controller (Principal District Munsif), Dindigul is under challenge in this memorandum of Civil Revision Petition. The revision petitioner herein is the respondent/tenant in R.C.O.P.No.9 of 2010, whereas the respondent herein is the landlord.

2. Heard Mr.S.Jeyakumar, learned Counsel appearing for the petitioner and Mr.J.Viswanathan, learned Counsel appearing for the respondent.

3. As it is manifested from the records, the respondent being the landlord had filed a petition in R.C.O.P.No.9 of 2010 under Section 10 (2), 10(3) (3a) (i) of Tamil Nadu (Lease and Rent Control) Act as against the revision petitioner seeking an order of eviction. This petition was resisted by the revision petitioner/tenant.

4. On appreciation of evidences both orally and documentary, the learned Rent Controller had proceeded to allow that petition granting two months' time for surrendering the vacant possession.

5. Challenging the order of eviction dated 10.09.2013, the revision petitioner / tenant had preferred an appeal in R.C.A.No.9 of 2013, on the file of the learned Rent Control Appellate Authority (Principal Subordinate Judge), Dindigul. The appeal in R.C.A.No.9 of 2013 was dismissed on 31.01.2014 confirming the order of eviction directing the



revision petitioner to vacate the petition mentioned premises within a period of two months from the date of receipt of a copy of that order.

6. Challenging the judgment passed in the appeal in R.C.A.No.9 of 2013, the revision petitioner had filed a revision petition in C.R.P.No.1774 of 2014. The above said revision petition was also dismissed on the ground that the Civil Revision Petition is devoid of any merits.

7. The respondent, being the decree holder, had taken up an execution proceedings in E.P.No.105 of 2013. That petition was also resisted by the revision petitioner by filing his counter statement on 10.04.2014. After hearing both sides, the Execution Court had allowed the execution petition on 29.01.2015 directing the petitioner to vacate and surrender the vacant possession of the petition mentioned property. For delivery, execution petition stood posted on 18.02.2015. In the meanwhile, the revision petitioner had filed a Special Leave Petition before the Honourable Supreme Court of India. That petition was taken up for hearing on 13.07.2015. On that day, the Honourable Apex Court had directed the revision petitioner to be present in Court in person on the next hearing date and he was also directed to deposit the arrears of rent at the rate of Rs.300/- per month from the date of default in the year 2004 before the next date of hearing. Therefore, the matter was directed to be listed on 31.08.2015. Again the Special Leave Petition was taken up for hearing before the Honourable Supreme Court on 02.11.2015. After hearing both sides, while dismissing the Special Leave Petition, the Apex Court has observed as under:

"No ground for interference is made out, in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is dismissed."

8. Now the learned Counsel appearing for the revision petitioner has submitted that the Civil Revision Petition before this Court might to be dismissed in view of the order passed by the Honourable Apex Court in S.L.P.No.17425 of 2015 against C.R.P.No.1774 of 2014.

9. Based on the submission made by the learned Counsel appearing for the revision petitioner and in pursuant to the order of the Honourable Apex Court dated 02.11.2015 made in the above stated Special Leave Petition, this Court finds that this Civil Revision Petition is deserved to be dismissed. Accordingly, the Civil Revision Petition is dismissed confirming the order of the Execution Court. No costs. Consequently the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub AssistantRegistrar



To
The Principal District Munsif (Rent Controller)
Dindigul.

WEB COPY

+1cc to Mr.J.Viswanathan, Advocate SR.No.613/16

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