



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.06.2016

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1206 of 2016

Sivakumar .. Petitioner/Petitioner/Plaintiff

vs.

Vijayalakshmi .. Respondent/Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 29.03.2016 made in I.A.No.2 of 2015 in O.S.No.2 of 2015 on the file of the Additional Sub Court, Thanjavur.

For Petitioner : Mr.N.Manokaran

ORDER

This revision is directed against the order passed by the Additional Sub Court, Thanjavur in I.A.No.2 of 2015 in O.S.No.2 of 2015.

2. The respondent initiated eviction proceedings against the petitioner in R.C.O.P.No.1 of 2003. The learned Rent Controller ordered eviction, which was confirmed by the Appellate Authority in R.C.A.No.6 of 2004. The concurrent finding was unsuccessfully challenged by the tenant in C.R.P.No.850 of 2005.

3. Subsequently, the petitioner filed a suit in O.S.No.2 of 2015 before the Sub Court, Thanjavur for specific performance alleging that after the dismissal of the revision, the respondent/landlord had entered into an agreement of sale on 13.11.2010 and the entire sale consideration of Rs.5,00,000/- was paid. So, the landlord did not file eviction petition for four years and thereafter, filed E.P.No.18 of 2014 and she refuses to execute a sale deed demanding more money.

4. The respondent filed a written statement stating that she never entered into an agreement of sale with the petitioner and the agreement of sale, dated 13.11.2010 is a rank forged document fabricated by the tenant with a view to grab the property.



5. The petitioner also filed an application in I.A.No.2 of 2015 in the suit for stay of further proceedings in E.P.No.18 of 2014. The application was dismissed by the trial Court. Aggrieved over the order passed by the trial Court, the present petition has been filed.

6. Heard the learned counsel for the petitioner and perused the records.

7. The learned Sub Judge, Thanjavur, taking note of the stand of the respondent in the written statement, dismissed the petition observing that the cause of action in the eviction petition and in the suit are different. So, there is no justification to stay the execution proceedings. In my considered view, the learned Sub Judge rightly dismissed the application.

8. In view of the above, I do not find any illegality or irregularity in the order impugned in the revision. In fine, this Civil Revision Petition is dismissed.

9. Considering the fact that the eviction petition was filed in the year 2003, the learned District Munsif, Thiruvaiyaru is directed to dispose of the execution petition in E.P.No.18 of 2014 in R.C.O.P.No.1 of 2003 as expeditiously as possible preferably on or before 31.08.2016. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1 The Additional Subordinate Judge,
Thanjavur.

2.The District Munsif, Thiruvaiyaru.

+1cc to Mr.G.Karnan,Advocate Sr.No.31641

ps

AA/KBM/15.07.2016/2p-4c

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