



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1384 of 2016

M.James

... Petitioner/2nd Respondent
/2nd Defendant

Vs.

1.The Procurator,
Society of St. Mary's
East Veli Street,
Madurai - 625 001.

... 1st Respondent/Petitioner/
Plaintiff

2.R.Karthik Babu

... 2nd Respondent/1st Respondent/
1st Defendant

PRAYER: Civil Revision Petition filed under Section 227 of Constitution of India against the Docket order dated 02.07.2016 passed in E.P.No.133 of 2015 in O.S.No.93 of 2013 on the file of the Additional District Munsif Court, Madurai Town.

For Petitioner : Mr.N.Madhava Govindan
For R1 : Mr.S.Manohar

O R D E R

This revision is directed against the Docket order dated 02.07.2016 passed by the Additional District Munsif Court, Madurai Town, in E.P.No.133 of 2015 in O.S.No.93 of 2013.

2. The first respondent filed the suit against the petitioner and the second respondent for recovery of possession. The suit was decreed on 13.04.2015. Based on the decree, an Execution Petition was filed in E.P.No.133 of 2015. The Executing Court ordered delivery of possession. Challenging the same, the present revision is filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

4.Mr.N.Madhava Govindan, learned counsel for the petitioner would submit that the petitioner and the second



respondent are doing business in partiship at the suit premises and they are ready to vacate the premises, however, they need time till 31.10.2016 to collect dues from their customers.

5. The learned counsel would further submit that the tenants undertake to hand over vacant possession to the landlord on 31.10.2016. The petitioner has also filed an affidavit of undertaking dated 13.07.2016.

6. The learned counsel for the first respondent Mr.Manoharan would submit that tenants have defaulted in paying the rent to the landlord and the rental arrears comes to Rs.1,35,340/-. It is also represented that

ever after adjustment the advance amount of Rs. 1 lakh with the arrears of rent, still the tenant is liable to pay more than Rs.35,000/-.

7. Considering the submission of the learned counsel for the petitioner and the affidavit dated 13.07.2016, the tenants are given time to vacate and hand over the possession till 31.10.2016. Till then, the execution proceedings shall be kept in abeyance.

8. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The Additional District Munsif, Madurai Town.

+1cc to Mr.N.Madhavagovindan, Advocate SR.No.36505

+1cc to Mr.S.Manoharan, Advocate SR.No.37024

CM

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