



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(MD).No.1559 of 2016

S. ZEENATH PAREETHA

.. PETITIONER/RESPONDENT/
LANDLADY

Vs.

M/S.MOHAMED HASSAN
REPRESENTED BY ITS PARTNER
MR.A.H.DAWOODKHAN

.. RESPONDENT/APPELLANT/
TENANT

Prayer: Petition is filed under Article 227 of Constitution of India, to direct the Principal Subordinate Court, Madurai to dispose the appeal in RCA No.68 of 2014 as expeditiously within the time stipulated by this court.

For Petitioner : Mr.S.Sitharthan

ORDER

This Revision is filed seeking for a direction to the Principal Subordinate Court(Rent Control Appellate Authority), Madurai to dispose of the appeal in R.C.A.No.68 of 2014 within a time frame.

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

3. Mr.S.Sitharthan, learned counsel for the petitioner would submit that the petitioner as landlady filed R.C.O.P.No.152 of 2009 before the learned Rent Controller for fixation of fair rent. After contest, the learned Rent Controller fixed the fair rent as Rs.48,000/-. Against that order, the respondent has preferred an appeal before the learned Appellate Authority in R.C.A.No.68 of 2014. It is further submitted that the appeal was posted for arguments on various dates and on 03.03.2016, the petitioner's side argument was heard and subsequently, it was posted for arguments on the side of the respondent.

[https://hcservices.courts.gov.in/hcservices/counsel](https://hcservices.courts.gov.in/hcservices/courts/for/hcservices/counsel) for the petitioner would contend that the respondent is not interested to pursue the appeal and he has been filing applications one after another to drag on the proceedings.



The petitioner is a widow and taking advantage of the position, the respondent is taking adjournments, without any reasons.

5. It is further submitted that the tenant filed an application to receive additional document, that was allowed and also he filed an application to examine some other witnesses, that was rejected and the order was also challenged in C.R.P.No.560 of 2016 and the Revision was also dismissed as withdrawn on 10.03.2016. Subsequently, with a similar prayer another application was filed in I.A.No.100 of 2016 with an ulterior motive and the suit filed for recovery of rental arrears was dismissed due to the pendency of the appeal.

6. Considering the said submissions of the learned counsel for the petitioner and without going into the merits of the case, the learned Rent Controller Appellate Authority, Principal Subordinate Court, Madurai is directed to dispose of the appeal in R.C.A.No.68 of 2014 as expeditiously as possible preferably on or before 30.09.2016.

7. With the above directions, the Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To
The Principal Subordinate Judge, Madurai.

+1CC to M/S. S.Sitharthan, Advocate, SR.No. 42862

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