



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) Nos.1607 and 1608 of 2016

and

C.M.P. (MD) Nos.7855 and 7856 of 2016

In Both Revisions:

1.L.Ronikkam

2.T.Jayanthi

3.M.Rajasekhar

4.M.Inbasekharan ...Petitioners/Respondents 2 to 5/
Proposed Respondents

Vs.

1.C.Arul Thiyagarajan

...1st Respondent/Petitioner/Petitioner

2.M.K.Rahman ... 2nd Respondent/1st Respondent/Respondent

PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India against the fair and decreetal orders in E.A.Nos.41 and 42 of 2016 in E.P.No. 9 of 2012 in R.C.O.P.No.49 of 2010 dated 03.08.2016 on the file of the Rent Controller/Principal District Munsif Court, Nagercoil.

For Petitioner : Mr.S.Meenakshi Sundaram

For Respondents : Mr.T.Arul

C O M M O N O R D E R

The revisions arise out the order dated 03.08.2016 passed by the learned Principal District Munsif, Nagercoil, in E.A.Nos.41 and 42 of 2016 in E.P.No.9 of 2012 in R.C.O.P.No.49 of 2010.

2. The first respondent filed R.C.O.P.No.49 of 2010 before the Rent Controller(Principal District Munsif) Nagercoil against the second respondent under Sections 10(2)(A), 10(2)(1) and 14(1)(B) of Tamil Nadu Buildings (Lease and Rent Control) Act. After contest, eviction order was passed on 18.07.2011. Based on the decree, the landlord filed an Execution Petition in E.P.No. 9 of 2012. In the Execution Petition, the petitioners filed E.A.NO. 60 of 2012 under Order 21 Rule 97 of Civil Procedure Code. The application came to be dismissed on 05.07.2016. Against the order, the petitioners have preferred an appeal in A.S.NO.24 of 2016. They have also filed a petition in I.A.NO.69 of 2016 seeking stay of further proceedings in R.C.O.P.No. 49 of 2010.



3. In the meanwhile, the landlord filed two applications in E.A.Nos.41 and 42 of 2016 seeking for directions to break open the locker and police aid to the Ammen for effecting delivery of possession. Since there was no stay in A.S.No.24 of 16, the Executing Court allowed both the applications. Challenging the said order, the present revisions have been filed.

4. Heard Mr.S.Meenakshi Sundaram, learned counsel for the petitioner and Mr.T.Arul, learned counsel for the respondent and perused the materials available on record.

5. It is seen from the records that the eviction order passed in R.C.O.P.NO.49 of 2010 has attained finality and based on the decree, the Execution Petition was filed. Indisputedly, the appellate court has not granted stay in the appeal preferred by the petitioners. In the above fact, I do not find any illegality or perversity in the orders impugned in the revisions. Therefore, they are dismissed. No costs. Consequently, connected C.M.P.(MD) Nos.7855 and 7856 of 2016 are also dismissed.

6. However, the learned Principal District Munsif, Nagercoil shall dispose of the stay petition in I.A.No.69 of 2016 in A.S.No.24 of 2016 as expeditiously as possible.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

ThePrincipal District Munsif, Nagercoil.

+1cc to Mr.S.Meenakshi Sundaram, Advocate SR.No.45297

+1cc to Mr.T.Arul, Advocate SR.No.45873

CM

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C.R.P. (MD) Nos.1607 and 1608 of 2016
and

C.M.P. (MD) Nos.7855 and 7856 of 2016
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