



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.2484 of 2016 (PD)

and

C.M.P (MD) No.11705 of 2016

S.K.Naganathan

.. Petitioner/Appellant/Tenant

Vs.

Rajee

..Respondent/Respondent/Landlord

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Learned Principal Sub Judge, madurai not to further proceed the R.C.A.No.7/2015 on it's file until disposal of the I.A.No.99 of 2015 in R.C.O.P.No.295 of 2013, on the file of the Additional District Munsif, Madurai Town and allow the Civil Revision Petition.

For Petitioner : Mr.S.K.Naganathan
Party-in-person

ORDER

The petitioner has filed this Civil Revision Petition to direct the Principal Sub Judge, Madurai not to proceed further the R.C.A.No.7/2015 on the file of the Principal Sub Judge, Madurai until disposal of the I.A.No.99 of 2015 in R.C.O.P.No.295 of 2013, on the file of the Additional District Munsif, Madurai Town.

2.The petitioner is a tenant. The respondent is the landlord. The respondent filed R.C.O.P.No.295 of 2013, on the file of the Additional District Munsif Court, Madurai, for eviction. Pending R.C.O.P.No.295 of 2013, the respondent filed I.A.No.149 of 2014, for recovery of arrears of rent. The said I.A., was allowed. Against the said order, the petitioner filed R.C.A.No.7 of 2015 before the Principal Sub Court, Madurai. While, R.C.A.No.7 of 2015 is pending, the petitioner filed I.A.No.99 of 2015 for restoration of water. According to the petitioner, by let in oral and documentary evidence in the said application, he will be in a position to prove that there is no arrears of rent as alleged by the respondent. The petitioner further contended that by producing said evidence before the Principal Sub Judge, Madurai he will succeed in the R.C.A. The learned Principal Sub Judge, Madurai is not



accepting the contention of the petitioner and insisting the petitioner to argue the R.C.A.No.7 of 2015. Therefore, the petitioner has come out with the present Civil Revision Petition.

3.The petitioner submitted that if the R.C.A., is taken up for final hearing, when the I.A.No.99 of 2015 is pending, the petitioner will not be in a position to prove that there is no arrears of rent. The said contention is untenable and has no force. I.A.No.99 of 2015 filed by the petitioner is pending before the Additional District Munsif Court, Madurai in R.C.O.P.No.295 of 2013 is nothing to do with the arrears of rent claimed by the respondent/landlord. The petitioner can prove before the Principal Sub Court in R.C.A.No.7 of 2015 that he is not in arrears of any rent, independent of I.A.No.99 of 2015 is filed by the petitioner for restoration of water.

4.For the above reasons, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is also dismissed.

Sd/-

Deputy Registrar

/True Copy/

Sub Assistant Registrar

am

TO,

1.The Principal Sub Judge, Madurai.

2.The Additional District Munsif, Madurai Town.

GJM/SKS/RR/2.1.17-2p-3C

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