



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.300 of 2016 (PD)

M.Seetha

.. Petitioner

Vs.

Mr.P.Jeganathan

.. Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to direct the Rent Control Appellate Tribunal (The Subordinate Judge) Srivilliputtur for early disposal of R.C.A.No.1 of 2015 and to allow the above Civil Revision Petition.

For Petitioners : Mr.M.Vijayarathinam
For Respondent : Mr.T.Leninkumar

ORDER

The petitioner is the landlord filed R.C.O.P.No.3 of 2012 for order of eviction of respondent on the ground of willful default. The eviction was ordered on 16.09.2014. The respondent did not handover the vacant possession. The petitioner filed caveat after serving the notice to the respondent. The respondent filed R.C.A.No.1 of 2015 without serving the copies on the petitioner and obtained interim order of stay of further proceedings in R.C.O.P.No.3 of 2012.

2.The learned counsel for the petitioner submitted that even after repeated request of the petitioner, the respondent did not furnish copy of the affidavit and typed set of papers to the petitioner. The learned appellate authority directed the respondent counsel to serve the copy of the petition to the petitioner herein and adjourned the appeal. Subsequently, the respondent did not serve the papers and therefore, the petitioner did not file the counter in the application. The respondent is taking number of adjournments unnecessarily without furnishing the copy of the petition. In the circumstances, the petitioner has come out with the present Civil Revision Petition for early disposal of R.C.A.No.1 of 2015.

3.The learned counsel for the respondent submitted that the interim stay was granted only on 04.09.2015. He further undertook to serve the copy of the affidavit, petition and typed set of papers on the petitioner.

4.I have heard Mr.M.Vijayarathinam, learned counsel appearing for the petitioner and Mr.T.Leninkumar, learned counsel appearing for the respondent and also carefully perused the entire materials on record.



5.The undertaking of counsel for respondent to serve copies of affidavit, petition and typed set of papers is recorded. The respondent is directed to serve the same to the petitioner within two weeks from receipt of copy of this order.

6.Having regard to the submissions made by the learned counsel for the petitioner and the respondent, considering the limited prayer sought for in the Civil Revision Petition and without expressing any opinion on merits, the learned Sub Judge, Srivilliputhur, Rent Control Appellate Tribunal is directed to hear the R.C.A.No.1 of 2015 on merits and in accordance with law and dispose the same as expeditiously as possible, in any event not later than 31st August, 2016.

7.Accordingly, the Civil Revision Petition is disposed of. No costs.

Sd/

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

The Rent Control Appellate Tribunal
(The Subordinate Judge), Srivilliputtur.

+1CC to M/S. T.Lenin Kumar, Advocate, SR.No. 11952

+1CC to M/S.M.Vijayarathinam, Advocate, SR.No. 12397

C.R.P (MD) No.300 of 2016 (PD)

02.03.2016

AM/AN.MP/SAR-I/15.03.2016/2P/4C