



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**C.R.P. (PD) (MD)No.2345 of 2015****and****M.P. (MD)No.1 of 2015 and C.M.P. (MD)No.11582 of 2016**

Fasal Mohammed

.. Petitioner/Appellant/
Respondent

Vs.

Renuka Sridhar

.. Respondent/Respondent/
Petitioner

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.64 of 2014 in Rent Control Appeal No.6 of 2014 on the file of the Principal Subordinate Court, Kumbakonam, dated 15.06.2015.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.M.R.S.Prabhu

ORDER

This Civil Revision petition arises out of the order passed by the learned Principal Subordinate Judge, Kumbakonam, in I.A.No.64 of 2014 in Rent Control Appeal No.6 of 2014, dated 15.06.2015.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. According to the Revision petitioner, the respondent herein filed a petition in R.C.O.P.No.18 of 2009 under Section 10(2)(i) and 10(3)(iii) of Tamil Nadu Act 18 of 60 as amended, on the ground of willful default for payment of rent and onerous occupation. The said application was allowed. Against which, the petitioner has filed an Appeal before the learned Rent Control Appellate Authority, Principal Subordinate Court, Kumbakonam. Pending the above appeal, the respondent herein filed an application in I.A.No.64 of 2014, under Section 11 (4) of Tamil Nadu Buildings (Lease and Rent Control) Act, sought a direction to the petitioner to pay a huge sum of Rs.5,73,271/- as arrears, before the learned Rent Control Appellate Authority. The said application was allowed by the Court below. Aggrieved by the said order, the present Civil Revision petition has been filed.

4. The learned counsel for the petitioner has submitted that at the time of admission of the present Revision petition, the petitioner admitted the arrears of rent to the extent of Rs.2,00,000/-, and this Court by taking into consideration, granted interim stay with the condition to deposit a sum of Rs.1,25,000/- within a period of six weeks from the date of receipt of a copy of the order.

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5. Today the matter is posted for final disposal before this Court, by consent of both the parties. The learned counsel for the petitioner submitted that the conditional order passed by this Court, dated 02.11.2015 has been complied with. However, the



learned counsel for the respondent would submit that the petitioner has admitted the arrears of rent to the tune of Rs.2,00,000/- to be paid to the respondent/landlord. Therefore, the said amount has to be paid to the respondent herein within a time fixed by this Court. Further both the parties have agreed and they undertake before this Court that they will co-operate for the disposal of the appeal in R.C.A.No.6 of 2014, now pending before the Appellate Court within a time frame fixed by this Court.

6. Considering the above facts, the following order is passed:-

i) By taking into consideration the submissions made by both the parties, the order passed in I.A.No.64 of 2014 in R.C.A.No.6 of 2014 is set aside, without causing prejudice to the interest of the parties.

ii) The petitioner is directed to deposit the balance of arrears of rent of Rs.75,000/- to the respondent herein within a period of six weeks from the date of receipt of a copy of this order. The Revision petitioner is also directed to pay the arrears of rent from the month of November 2015 to till date, non-compliance of the said order, liberty is granted to the respondent herein to proceed with the Execution petition in E.P.No.154 of 2014 in R.C.O.P.No.18 of 2009, now pending before the Principal District Munsif Court, Kumbakonam.

iii) The learned Principal Subordinate Judge, Rent Control Appellate Tribunal, Kumbakonam, is directed to dispose of the R.C.A.No.6 of 2014 within a period of four months from the date of receipt of a copy of this order.

7. The Civil Revision petition is allowed with the above terms. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Kumbakonam.

2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR.M.P.Senthil,ADVOCATE, SR NO:74633

+1 cc to MR.V.K.Vijaya Ragavan,ADVOCATE, SR NO:75039

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and

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