



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Contempt Petition (MD) No.207 of 2016

S.Zeenath Pareetha

... Petitioner/Respondent/Landlady.

Vs.

1.M/s.Mohamed Hassan
rep.through its Partner,
A.H.Dawood Khan,
Old Door No.175-B,
New Door No.224,
East Veli Street,
Madurai 625 001.

...1st Contemnor/Petitioner/Tenant.

2.M/s.Mohamed Hassan
Partner,
A.H.Syed Mohamed Khan,
Old Door No.175-B,
New Door No.224,
East Veli Street,
Madurai 625 001.

...2nd Contemnor/3rd party/Tenant.

Petition filed Section 11 of Contempt of Courts Act, 1971 for having committed contempt of Court for disobeying the order dated 27.03.2015 made in C.R.P.(NPD) (MD)No.642 of 2015.

Prayer in CRP(MD). 642/ 2015 :

Petition filed under Section 25 of the lease and Rent Control Act to set aside the fair order and decreetal order in RCA No.23 of 2014 on the file of the Rent Control Appellate Authority, Madurai (Principal Sub Judge) dated 28.01.2015 in confirming the fair and decreetal order in RCOP No.134 of 2011 on the file of Rent Control Authority, Madurai (Principal District Munsif Court, Madurai) dated 14.02.2014.

For Petitioner

: Mr.S.Sitharthan

ORDER

The contempt petitioner is the land lady in rent control proceedings and she was successful in obtaining the order of eviction before the Court below.

2.Aggrieved over the same, the tenant filed a Civil Revision Petition in C.R.P(NPD) (MD)No.642 of 2015. When the Civil Revision Petition was taken up, learned counsel for the tenant sought for a reasonable time to vacate the premises. In view of the said request made by him, this Court was inclined to grant six months time to hand over the premises, subject to the condition that he files an affidavit of undertaking within two weeks. It is stated that though such an affidavit



was filed to vacate the premises, the tenant continuously squatting the property. Hence, the present contempt petition has been filed by the land lady.

3.While entertaining the contempt petition, this Court issued statutory notice to the respondents, the same was returned with an endorsement "respondents 1 and 2 vacated the premises".

4.In the meanwhile, E.P.No.95 of 2014 was also filed by her for evicting the tenant. It is stated that though an order of delivery was passed by the Executing Court, the same could not be executed since the shop was closed and the shutters were down. Unless there is an order from the Court to break open the lock with the help of the police, the execution could not be effected. Therefore, the land lady/contempt petitioner had also filed E.A.No.299 of 2015 and I.A.No.230 of 2015 seeking police protection and break open the premises which are said to be pending.

5.In view of the above, the learned Additional District Munsif cum Rent Controller, Madurai Town is directed to pass orders on the above two applications within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the contempt petition is closed.

Sd/

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To

Additional District Munsif cum Rent Controller, Madurai Town

+2CC to M/S. S. Sitharthan, Advocate, SR.No. 15121

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AM/JGB.DP/AR-I/01.04.2016/2P/4C