

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.1110 of 2017
and
C.M.P.No.5361 of 2017

G.Guru ... Petitioner

..Vs..

V.E.Jegatheesan ... Respondent

Prayer: This Civil Revision Petition has been filed under Section 115 of Civil Procedure Code, praying to set aside the Fair and Decretal Order dated 27.02.2017 made in E.P.R.No.7 of 2014 in R.C.O.P.No.15 of 2012 on the file of the Principal District Munsif, Erode by allowing this Civil Revision Petition.

For petitioner : Mr.C.Munusamy

ORDER

Challenging the order of the learned Principal District Munsif, Erode, dated 27.02.2017 made in E.P.R.No.7 of 2014 in R.C.O.P.No.15 of 2012, the present revision petition has been filed.

2. The respondent herein has filed the suit in R.C.O.P.No.15 of 2012. The above said R.C.O.P was allowed. The petitioner filed an appeal, in

R.C.A.No.3 of 2014 challenging the order passed in R.C.O.P.No.15 of 2012 and the said appeal is still pending before the Rent Control Appellate Authority, Erode. In the meantime, the respondent herein has filed E.P and the same was allowed. Against the said order, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has filed an appeal in R.C.A.No.3 of 2014 before the Rent Control Appellate Authority, Erode. The said appeal is pending. The court below, without considering the pendency of the appeal allowed the said application and therefore, the order passed in the revision is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the records.

5. Admittedly, the respondent herein has filed R.C.O.P.No.15 of 2012 and the said R.C.O.P. was allowed on 17.12.2013. The petitioner is challenging the said order before the Rent Control Appellate Authority in R.C.A.No.3 of 2014 and the same is pending. The petitioner has not placed copy of the interim order granted in the said appeal suit staying the execution proceeding. Therefore, the court below rejected the contention of the petitioner and allowed the execution petition. Therefore, no interference warrants in the

order of the court below. The Revision Petitioner has not made out any prima facie case to entertain this Civil Revision Petition.

6. Accordingly, the Civil Revision Petition is dismissed. It is made clear that the Rent Controller Appellate Authority shall decide the appeal and other applications without being influenced by any of the observations made in this Civil Revision Petition. It is open to the petitioner to work out the remedy before the appellate court if he so advised. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.04.2017

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D.KRISHNAKUMAR,J.,

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