

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.1248 of 2017

Stephen Raj

.. Petitioner

Vs

Thangadurai

.. Respondent

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to dispose of RCOP.No.100 of 2010 on the file of the learned District Munsif Court, Alandur, Kancheepuram District within a stipulated time fixed by this Court.

For Petitioner : Mr.V.Chinnasamy

ORDER

The revision petitioner has filed this revision praying to dispose of RCOP.No.100 of 2010 on the file of the learned District Munsif Court, Alandur, Kancheepuram District, within a stipulated time to be fixed by this Court.

2. The petitioner/landlord filed RCOP.No.100 of 2010 on the file of the District Munsif Court, Alandur, Kancheepuram District, for eviction on the ground of willful default by the tenant and for his own occupation. The said RCOP is pending. The petitioner filed a petition in MP.No.114/2011 in RCOP.No.100 of 2010, for payment of arrears of rent. The said petition was allowed on 14.2.2012, directing the respondent to

pay the arrears of rent of Rs.85,400/- within fifteen days from the date of the order. The respondent has not complied with the said order. It is submitted that the petitioner is entitled to get the arrear amount during the pendency of the RCOP itself.

3. Thereafter, the petitioner filed another petition in M.P.No.15 of 2013 in MP.No.114/2011 in RCOP.No.100/2010, to direct the respondent to issue a cheque for the arrears of rent amount.

4. The learned Judge, by an order dated 07.2.2014, has allowed the petition in M.P.No.15 of 2013, on condition that the petitioner should give an undertaking to re-deposit the amount into the Court, if the order in MP.No.114/2011 in RCOP.No.100/2010, is set aside by the Appellate Court or any other orders passed by the Appellate Court.

5. In the counter affidavit filed by the respondent in M.P.No.15 of 2013 in MP.No.114/2011 in RCOP.No.100/2010, it is stated by the respondent that he had preferred an appeal in RCA.No.14 of 2012 before the Sub Court, Tambaram and the same is pending. He further submitted that he had deposited the arrear rent of Rs.85,400/- into the Court deposit. Since the respondent has preferred an appeal in RCA.No.14/2012 before the Sub Court, Tambaram and the same is pending, the petitioner is not entitled to receive the arrear amount. This was recorded by the learned Judge in his order dated 07.02.2014. It also appears that no oral or documentary evidence was adduced by both the

parties to prove their submission in the trial Court.

6. It is contended by the petitioner that even after an order was passed by the learned Judge to deposit the arrear rent amount, the respondent has not paid the rent amount, with an intention to drag on the proceedings. The RCOP was filed in the year 2010 and till now, it is pending without any progress. Aggrieved by which, the petitioner has filed this Civil Revision Petition, praying to direct the trial Court to dispose of the RCOP.No.100 of 2010 within a time fixed by this Court.

7. This Court, having regard to the submissions made by the learned counsel for the petitioner and considering the limited prayer sought for in the civil revision petition and since the RCOP is pending from the year 2010, without expressing any opinion with regard to the merits of the matter, hereby directs the District Munsif, Alandur, to dispose of the claim of the petitioner in RCOP.No.100 of 2010, as expeditiously as possible, not later than 31st July 2017.

8. The Civil Revision Petition is disposed of with the above direction. No costs.

05.04.2017

ds

V.M.VELUMANI,J

ds

To:

The District Munsif Court,
Alandur.

CRP (PD) No.1248 of 2017

05.04.2017
<http://www.judis.nic.in>