

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.No.1462 of 2017

Srihari

.. Petitioner

Vs.

J.Sharmila

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif (Learned Rent Controller), Alandur, to dispose of RCOP No.33 of 2013 at an early date to be fixed by this Court.

For Petitioner : Ms.SA.Kanmani

ORDER

The petitioner, who is the landlord has filed RCOP No.33 of 2013 against the respondent on the ground of willful default on the payment of monthly rent and for owner's use and occupation of the schedule of property. The said RCOP was allowed by the learned Rent Controller, Alandur by ordering eviction against the respondent. Against the said order of eviction, the respondent herein has filed R.C.A.No.29 of 2014 on the file of the learned Subordinate Judge, Tambaram. Pending the appeal, the petitioner herein/landlord filed E.P.No.115 of 2014 before the learned Principal District Munsif, Alandur, for delivery of property. In the mean time, the respondent has filed I.A.No.13 of 2015 to stay all further proceedings in E.P.No.115 of 2014 in RCOP No.33 of 2013 and the same was allowed by order dated 06.08.2015.

2. Aggrieved against the said order, the petitioner had already preferred the Civil Revision Petition in CRP No.1358 of 2016 before this Court and the same was disposed of on 29.04.2016 directing the Rent Control Appellate Authority to dispose of RCA No.29 of 2014 within a period of two months from the date of receipt of a copy of that order. The Appellate Authority, by order dated 20.07.2015 remitted back the said RCOP No.33 of 2013 to the file of the learned Rent Controller, Alandur. Since then, the respondent has not filed any counter and the same is kept pending without any progress. Therefore, the petitioner has come out with the present Civil Revision Petition for speedy disposal.

3. The learned counsel for the petitioner has submitted that though an order was passed for payment of arrears of rent to the tune of Rs.5,53,000/-, the respondent instead of paying the rent preferred an appeal. Hence, the petitioner, earlier, filed revision petition and the same was disposed of directing the learned Rent Control Authority to dispose of the appeal. But, the learned Rent Control Authority, remitted back the matter to the learned trial Judge. From that day onwards, the matter is pending without any progress. Since the said R.C.O.P. is pending without any progress, the learned counsel for the petitioner requested this Court that a direction may be issued to the learned Judge to dispose of the matter as early as possible.

4. Having regard to the submissions made by the learned counsel for the petitioner, considering the limited prayer sought for in the civil revision petition and since the RCOP is pending from the year 2013, without expressing any opinion with regard to the merits of the matter, this Court directs the Rent Controller, (Principal District Munsif) at Alandur, to dispose of the RCOP No.33 of 2013, on merits and in accordance with law, as expeditiously as possible, in any event, not later than 30th September 2017.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

The Principal District Munsif,
(Rent Controller), Alandur,

+1cc to Ms.AL.Gandhimathi, Advocate sr.24302

C.R.P.No.1462 of 2017

lrs(co)
ss(13/6/2017)