

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HONOURABLE Ms. JUSTICE. V.M.VELUMANI

CRP (PD)No.1657 of 2017

V.Muthulakshmi ... Petitioner
..Vs..

Prabhakaran ... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India filed to issue a direction for expeditious disposal of Rent Control Original Petition filed by the petitioner in RCOP.No.1129 of 2013, pending on the file of XII Small Causes Court, Chennai within a time frame as fixed by this Court.

For Petitioner : Mr.V.Raghavachari

ORDER

This Civil Revision Petition has been filed seeking a direction for expeditious disposal of RCOP. No.1129 of 2013, pending on the file of XII Small Causes Court, Chennai within a time frame as fixed by this Court.

2. The petitioner is the landlord and the respondent is the tenant. The petitioner filed RCOP. No.1129 of 2013 on the file of XII

Court of Small Causes, Chennai for eviction of the respondent on the ground of own use and occupation. In RCOP proceedings, the respondent filed counter statement in the month of December 2013. Both the petitioner and the respondent were allowed to let in evidence. The evidence on behalf of petitioner was closed on 26.04.2016. Thereafter, the trial Court closed the respondent side evidence on 06.2.2017 and posted the RCOP petition for arguments on 09.2.2017. It is contended by the petitioner that with an intention to drag on the proceedings in RCOP. No.1129 of 2013, the petitioner had filed several petitions both before the trial Court as well as before this Court.

3. The learned counsel for the petitioner relied on the 'A Diary' of the trial Court to support his case and a copy of it is produced in the typed set of papers. It shows that the respondent was absent for several hearings inspite of sufficient opportunities given to him by the trial Court. The trial Court vide order dated 06.2.2017 had closed respondent side witness and posted the RCOP petition for arguments on 09.2.2017. It is also submitted by the learned counsel for the petitioner that on 10.11.2016, the respondent-tenant had filed an application in M.P.No.535 of 2016 under Section 19 of the Tamil Nadu

Buildings and Rent Control Act. The said miscellaneous application was dismissed by the trial Court on 09.12.2016, aggrieved which, the respondent-tenant had filed an appeal. The said appeal was dismissed at the SR stage itself. Challenging the same, the respondent filed a revision petition before this Court in CRP (PD).No.803 of 2017 and the same is pending. It is also brought to the notice of this Court that this Court has not passed an order of stay in the said CRP(PD).No.803 of 2017. It is also contended by the petitioner that the respondent had filed a memo dated 07.3.2017 in RCOP proceedings stating that CRP No.803 of 2017 is pending before this Court, and in the pretext of the said revision pending before this Court, the learned trial Judge has not passed any order in the RCOP proceedings and therefore, the case in RCOP. No.1129 of 2013 is being adjourned without any progress. Since the petition in RCOP is pending from the year 2013, the petitioner has filed the present Civil Revision Petition praying for expeditious disposal of the same.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on records.

5. 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 proceedings is pending from the year 2013, without expressing any opinion with regard to the merits of the matter, I direct the learned Judge, Court of Small Causes No.XII, Chennai, to dispose of the case in RCOP.No.1129 of 2013, on merits and in accordance with law, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

05.06.2017

ds

Speaking Order / Non-speaking Order

Index : Yes/No

Internet: Yes/No

To

The Court of Small Causes No.XII,
Chennai.

V.M.VELUMANI,J

ds

C.R.P.(PD)No.1657 of 2017

05.06.2017

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