

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.2894 and 2017
and CMP.No.13628 of 2017

Dr.R.Murali

..Petitioner

Vs.

S.Leonard Vasanth

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Order dated 25.04.2017 passed in MP.No.65 of 2017 in RCA.No.121 of 2017 on the file of the VIII Small Causes Court, Chennai.

For petitioner : Mr.V.R.Anna Gandhi
for Mr.R.Rajaramani

For Respondent : Mr.B.Sundar for
Mr.N.Edwin Jeyakumar

ORDER

According to the revision petitioner, the respondent has

filed a petition in OP.No.1198 of 2013 on the file of the X Small Causes Court, Chennai for eviction on the ground of wilful default and onus occupation. In the aforesaid petition, the respondent has also filed an application in MP.No.288 of 2016 and by order dated 18.01.2017, the Rent Control Authority has passed an order directing the revision petitioner to deposit the entire arrears of rent for a sum of Rs.12,00,000/- within 30.01.2017. Challenging the aforesaid order, the revision petitioner has filed an appeal in RCA.No.121 of 2017. In the aforesaid appeal, the revision petitioner has also filed an application in MP.No.65 of 2017 and the Rent Control Appellate Authority has granted an interim order on condition that the petitioner shall deposit a sum of Rs.6,00,000/- on or before 28.03.2017. Pursuant to the conditional interim order granted by this Court, the revision petitioner has deposited a sum of Rs.6,00,000/- on 28.03.2017 in the account of RCA.No.1198 of 2013 and the memo has been filed before the Appellate court on 28.03.2017 to prove the compliance of the condition. The said memo has been recorded and the interim already granted by this Court has been extended by the Appellate court. Thereafter, the respondent has filed memo and on the basis of the memo filed by the respondent, the court below, suo moto vacated the interim order and recorded that the conditional order was not properly

complied with. Challenging the aforesaid order, the revision petitioner has filed the Civil Revision Petition before this Court.

2. According to the learned counsel for the revision petitioner, the revision petitioner has complied with the conditional order passed by the Appellate court in MP.No.65 of 2017 and the same has also been enclosed in the typed set of papers. Therefore, the order of the court below is liable to be set aside.

3. The learned counsel for the respondent has not disputed the aforesaid fact that the petitioner has complied with the conditional order passed by the Appellate court. Therefore, the learned counsel for the respondent has no objection in allowing the present Civil Revision Petition. But the learned counsel for the respondent seeks to permit the respondent to withdraw the said amount now lying before the Rent Control Appellate Authority.

4. In view of the submissions of the learned counsel for the revision petitioner that the conditional order passed by the Appellate court in MP.No.65 of 2017 has been complied with on 28.03.2017 and the said fact has also been admitted by the respondent, the order passed by the court below is liable to be set

aside.

5. Further, the request of the learned counsel for the respondent is concerned, it is open to the respondent to file an appropriate application before the concerned court to withdraw the aforesaid amount.

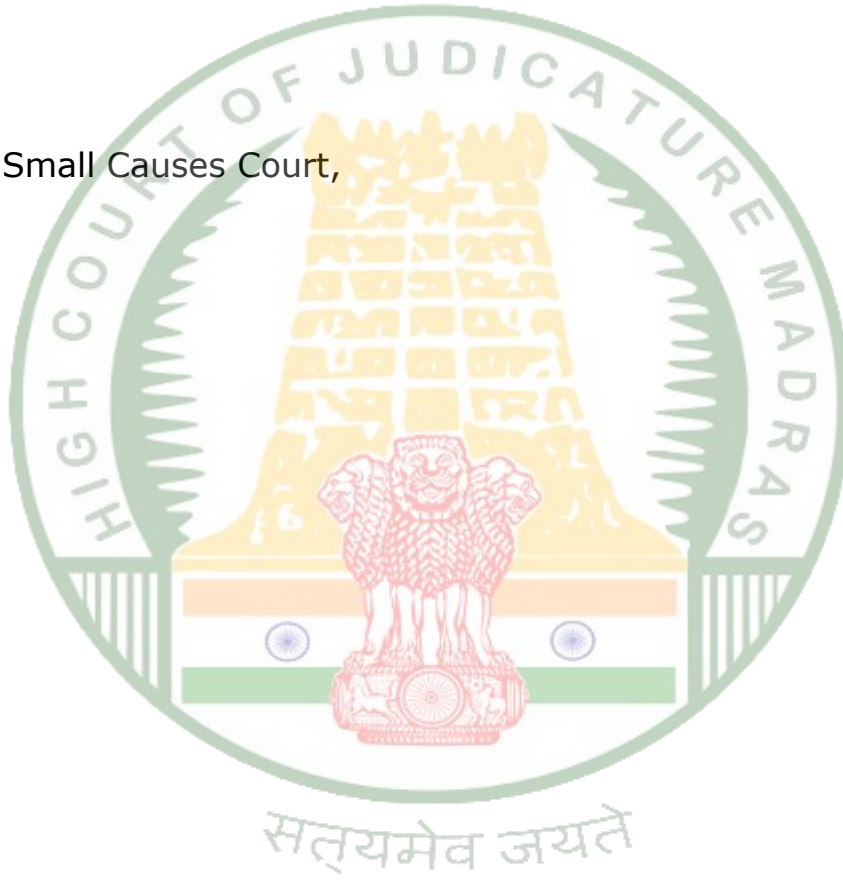
6. In view of the above observations, the Civil Revision Petition is allowed. Further, the Rent Control Appellate Authority is directed to dispose of the said RCA within a period of three months from the date of receipt of a copy of this Order.

7. Thus, the Civil Revision Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

22.11.2017

Speaking/Non-speaking order
Index :Yes/No
Internet:Yes/No
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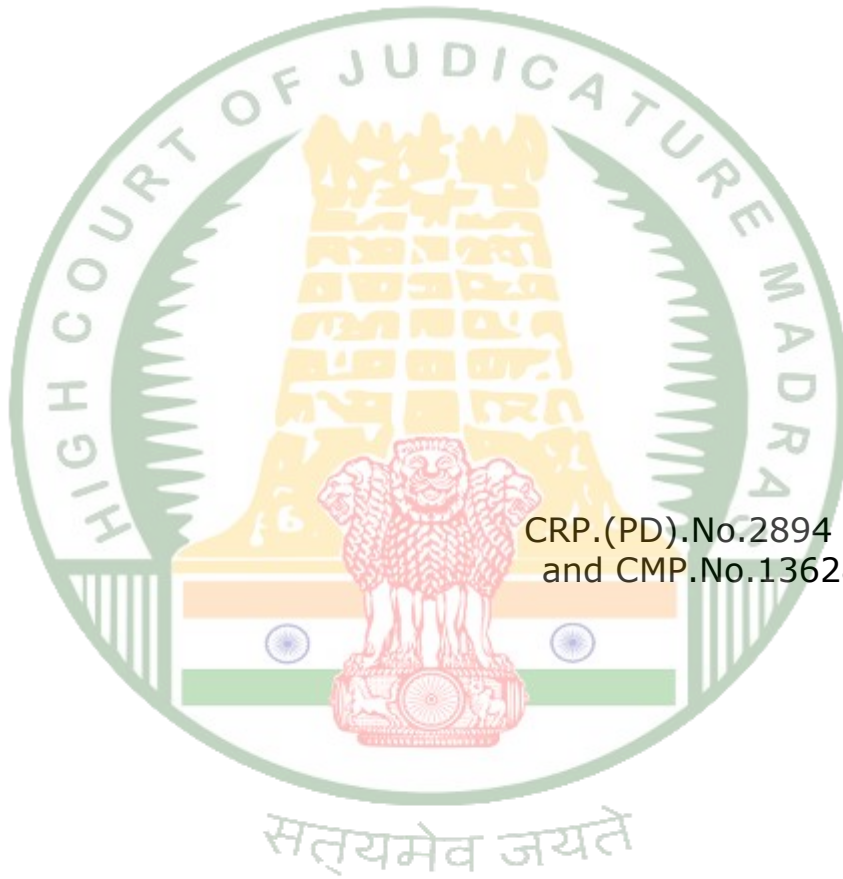
To
The VIII Small Causes Court,
Chennai.



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D.KRISHNAKUMAR. J,

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