

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4114 of 2017

and

C.M.P No. 19295 of 2017

A.V.S Balaji

.. Petitioner

Vs

A. Parasuraman

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the order and decretal order in M.P. No.619 of 2016 in R.C.A. No. 458/2016 on the file of 7th Small Causes Court, Chennai.

For Petitioner : Mr. V. Sundararaman

For Respondent : Mr. K. Azhagu Raman

ORDER

This revision arises against the order and decretal order dated 06.10.2017 passed in M.P. No.619 of 2016 in R.C.A. No. 458/2016 by the

7th Small Causes Court, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is the tenant of the suit property. The respondent herein filed a petition in RCOP No. 1706 of 2012 for fixing of fair rent and subsequently RCOP No.362 of 2015, for eviction. Both the petitions were allowed in favour of the respondent. Challenging the said orders, the petitioner filed appeals in RCA No. 22 of 2016 and 458 of 2016. Pending appeals, the petitioner filed M.P No.477 of 2016 in R.C.A. No.458/2016 before the VII Small Causes Court, Chennai, seeking stay of the order dated 26.11.2014 in RCOP No.362 of 2015. On 22.09.2016, a condition order was passed by the court below, directing the respondent to deposit 50% of the rental arrears, i.e. Rs.3,92,495/- to the credit of the above appeal. The revision petitioner complied with the said order and deposited the said amount, to the credit of RCA. No.458/2016. Whiles, the respondent filed M.P. No.619 of 2016 in RCA No.458/2016 praying for payment from the court deposit. The Appellate Court by its order dated 06.10.2017, allowed the said M.P. Challenging the same, the present revision has been filed before this Court.

3. The learned counsel for the petitioner would submit that the revision petitioner has filed an appeal in R.C.A. No. 458 of 2016, for fixation of fair rent and the same is pending before the Appellate Court. At this stage, if the said amount is permitted to be withdrawn by the respondent, it would be difficult for the petitioner to recover the amount from the respondent. Therefore, the present revision has been filed against the payment order dated 06.10.2017.

4. The learned counsel for the respondent would submit that the apprehension of the petitioner may not be correct. If the revision petitioner succeeds in the aforesaid appeal, the respondent undertakes before this Court that he will settle the excess amount received by the respondent.

5. In view of the above submission of the learned counsel for the respondent, this Court is not inclined to interfere with the order of the Appellate Court. No prima facie case is made out by the petitioner, to entertain the revision. The learned counsel for both the

parties, undertake to co-operate for speedy disposal of the appeals and prayed for a direction to the Appellate Court to dispose of the appeal within a stipulated time.

6. Therefore, the Civil Revision Petition fails and the same is dismissed. The Rent Control Appellate Authority is directed to dispose of the appeals in RCA No. 22 of 2016 and 458 of 2016, in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

10.11.2017

Index : Yes/ No

Speaking order/ Non speaking order

avr

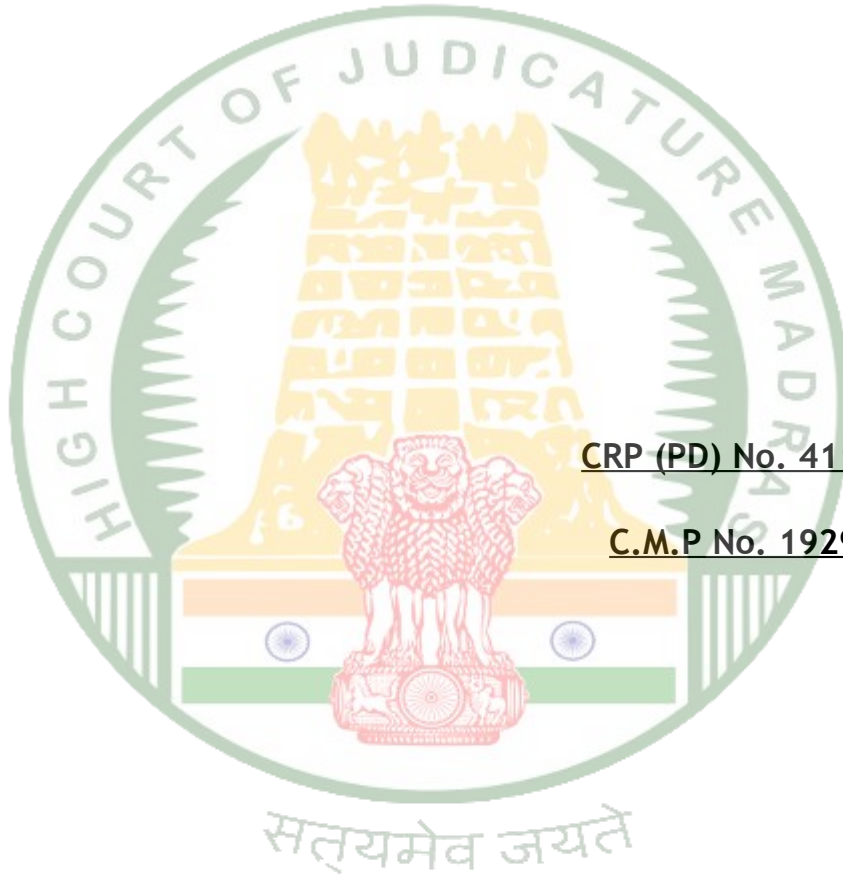
To

The 7th Small Causes Court
Chennai.

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D. KRISHNAKUMAR J.,

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