

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.2377 of 2015
and M.P.No.1 of 2015

K.A.Babu

.. Petitioner

-Vs.-

K.Udyya Ganesh

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 12.11.2014 passed in R.C.A.No.37 of 2013 on the file of the learned Principal Subordinate Judge, Coimbatore confirming the judgment and decree passed by the Principal District Munsif cum Rent Controller, Coimbatore in I.A.No.60 of 2013 in R.C.O.P.No.125 of 2011.

For petitioner ... Mr.I.Akbar Md.Abdullah

For Respondent ... Mr.S.Namasivayam

O R D E R

The revision is directed the order passed under Section 11(4) of the Tamilnadu Buildings Lease and Rent Control Act, 1960 directing the tenant to deposit a sum of Rs.6,28,600/- and arrears till date.

2. Pursuant to the order of this Court dated 24.06.2015, the revision petitioner has deposited a sum of Rs.6,28,000/- (Rupees six lakhs and twenty eight thousand only).

3. It is now stated that the petitioner has also been paying the monthly rent without default, which is admitted by the respondent-landlord. There is also an order passed on 19.10.2016 permitting the respondent to withdraw 50% of the amount, which was deposited by the petitioner to the credit of R.C.O.P.No.125 of 2011, on the file of the Principal District Munsif cum Rent Controller, Coimbatore. However, it is stated that the landlord is unable to withdraw the sum as notice was ordered.

4. The earlier order permitting the respondent /landlord to withdraw 50% of the amount would stand and the said order was passed with the consent of the tenant. Therefore, there should not be any impediment permitting the landlord to withdraw the said amount. As it is stated that as on date, there is no arrears of rent and the current rent also been paid upto date by the tenant, the original petition can proceed and shall be disposed of on or before 31.07.2017.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. No costs.

30.01.2017

srn

To

1. The Principal Subordinate Judge,
Coimbatore
2. The Principal District Munsif cum Rent Controller,
Coimbatore

PUSHPA SATHYANARAYANA, J.

(srn)

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