

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(NPD).Nos.3813 and 3814 of 2016
and C.M.P.Nos.19486 and 19492 of 2016

K.R.Vijayakumar

...Petitioner/Tenant
in both CRPs.

Vs

Kunjalathabai Govind Das

...Respondent/landlady
in both CRPs.

C.R.P.NPD.No.3813 of 2016 is filed under Article 227 of the Constitution of India, against the order dated 28.06.2016 made in E.P.No.225 of 2016 in R.C.O.P.No.1603 of 2010 on the file of the learned XIII Judge, Small Causes Court, Chennai.

C.R.P.NPD.No.3814 of 2016 is filed under Article 227 of the Constitution of India, seeking a direction to the learned VIIth Judge of the Small Causes Court, Chennai, to number the MP.SR.No.11893

of 2016 in M.P.No.306 of 2016 in R.C.A.No.272 of 2015, to consider and dispose the same on merits in accordance with law, within a stipulated time.

For Petitioner : Mr.S.Panneerselvam
For Respondent : Mr.Mani

COMMON ORDER

C.R.P.NPD.No.3813 of 2016 is filed against the order dated 28.06.2016 made in E.P.No.225 of 2016 in R.C.O.P.No.1603 of 2010 on the file of the learned XIII Judge, Small Causes Court, Chennai.

2.Learned counsel for the petitioner would submit that as per the order of this Court dated 16.12.2016, the petitioner/tenant has handed over the possession to the respondent/landlady and he has paid the rent arrears, for which, he has also filed an affidavit and made an endorsement to that effect.

3.Learned counsel for the respondent/landlady has also confirmed the submissions so made by the learned counsel for the

petitioner and he has also made an endorsement to that effect.

4.Recording the submissions and also the endorsement made by both sides, as the petitioner/tenant has preferred this revision challenging the order of delivery passed by the Executing Court and he has also handed over the possession to the landlady, I am of the view that nothing survives in this revision. Accordingly, C.R.P.NPD.No.3813 of 2016 is dismissed as infructuous.

5.C.R.P.NPD.No.3814 of 2016 is filed seeking a direction to the learned VIIth Judge of the Small Causes Court, Chennai, to number the MP.SR.No.11893 of 2016 in M.P.No.306 of 2016 in R.C.A.No.272 of 2015, to consider and dispose the same on merits in accordance with law, within a stipulated time.

6.It is seen from the records that the petitioner/tenant has preferred an appeal in R.C.A.No.272 of 2015 challenging the fair and decreetal order made in R.C.O.P.No.1603 of 2010 and the appeal was dismissed for non prosecution on 20.06.2016. Then the petitioner has filed a petition for restoration along with a petition to stay, suspend the operation and consequential effect of the impugned order of dismissal for non prosecution and it was returned, against which, the petitioner preferred C.R.P.NPD.No.3814

of 2016.

7.In pursuant to the fair and decreetal order passed in R.C.O.P.No.1603 of 2010, the petitioner/tenant has handed over the possession and paid the entire arrears of rent to the respondent/landlady, for which, the petitioner has also filed an affidavit. Both sides counsel have also made an endorsement to that effect.

8.Recording the endorsement so made by both sides counsel, C.R.P.NPD.No.3814 of 2016 is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.01.2017

kj

To

1. XIII Judge, Small Causes Court, Chennai.
2. VII Judge, Small Causes Court, Chennai.

R.MALA,J.

kj

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and C.M.P.Nos.19486 and 19492 of 2016**

04.01.2017

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