



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

C.R.P. (NPD) (MD) No. 243 of 2017

& C.M.P. (MD) No. 1118 of 2017

WEB COPY

Savarimuthu

.. Petitioner/Tenant

Vs.

S.L.V.Hendry (Died)

1.Sudaroli, W/o.Late. Hendry

2.Joyee Solomon, S/o.Late. Hendry

3.Moses Pandian, S/o.Late. Hendry

4.Mary Ananthi, D/o.Late. Hendry

5.Johnson Rajkumar, S/o.Late. Hendry

.. Respondents/Landlords

PRAYER: Civil Revision Petition is filed, under Section 115 of the Code of Civil Procedure, against the order of delivery passed in E.P.No.7 of 2013 in R.C.O.P.No.12 of 2007 on the file of the Principal District Munsif Court, Thoothukudi, dated 19.01.2017.

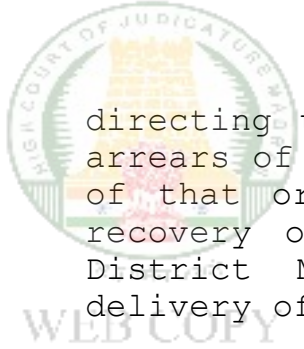
For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.Kadarkarai
caveator

ORDER

This Civil Revision Petition is filed against the order dated 19.01.2017, passed in E.P.No.7 of 2013 in R.C.O.P.No.12 of 2007, by the learned Principal District Munsif, Thoothukudi.

2. The petitioner/tenant is the respondent in R.C.O.P.No.12 of 2007 on the file of the Principal District Munsif Court, Thoothukudi. The respondents/landlords filed the said R.C.O.P. to evict the petitioner on the ground of owners' occupation. The learned Rent Controller/Principal District Munsif, by order dated 13.07.2012, allowed said R.C.O.P., directing the petitioner to vacate the petition schedule property and handover the vacant possession to the respondents/landlords, within two months from the date of receipt of a copy of that order. Against the said order dated 13.07.2012, the petitioner filed R.C.A.No.1 of 2013 before the Subordinate Court, Thoothukudi. The said R.C.A. was posted for arguments from 15.02.2013 onwards. Pending R.C.A., the respondents filed I.A.No.45 of 2013 under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, seeking a direction to the petitioner to deposit the arrears of rent in R.C.A.No.1 of 2013. The petitioner also filed another I.A.No.24 of 2015 for stay of order passed in the R.C.O.P. The said application is pending. On 08.09.2016, I.A.No.45 of 2013 filed by the respondents, was allowed



directing the petitioner to deposit a sum of Rs.1,10,000/- towards arrears of rent, within one month from the date of receipt of a copy of that order. The respondents also filed E.P.No.7 of 2013 for recovery of possession. By order dated 19.01.2017, the learned District Munsif, Thoothukudi, allowed the said E.P. ordering delivery of petition premises by 17.02.2017.

3. Against the said order dated 19.01.2017, the petitioner has come out with the present Civil Revision Petition.

4. The learned counsel for the petitioner reiterated the grounds raised in the Civil Revision Petition and contended that against the order passed in the R.C.O.P., the petitioner filed R.C.A.No.1 of 2013. From 15.02.2013, the said R.C.A. was not disposed of and it is posted for arguments on number of hearings. Subsequently, on 15.02.2016 the arguments were heard by the learned Subordinate Judge, Thoothukudi. From that date onwards, it is posted for orders. In the meantime, the respondents filed E.P. and got an order pending R.C.A., after arguments were made before the learned Judge.

5. The learned counsel for the respondents/caveator submitted that the E.P. was ordered directing the petitioner to deliver the petition premises on or before 17.02.2017 and thus, a direction may be issued to the learned Subordinate Judge, Thoothukudi, to dispose of R.C.A.No.1 of 2013 before that date.

6. I have considered the submissions of the learned counsel appearing for the parties and perused the materials available on record.

7. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, without deciding the issue on merits, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the learned Subordinate Judge, Thoothukudi. Accordingly, this Civil Revision Petition is disposed of and the learned Subordinate Judge, Thoothukudi, is directed to dispose of R.C.A.No.1 of 2013, as expeditiously as possible, in any event, not later than 28.02.2017. Till the orders are passed, the order passed in E.P.No.7 of 2013 shall be kept in abeyance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TURE COPY/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The Subordinate Judge,
Thoothukudi.



2.The Principal District Munsif,
Thoothukudi.

+1 cc to MR.M.P.Senthil, ADVOCATE, SR NO:6494

+1 cc to MR.S.Kadarkarai , ADVOCATE, SR NO: 6522

WEB COPY

smn2

MS/PN/SAR1/09.02.2017/3P/5C

C.R.P. (MD) No.243 of 2017 (NPD)
& C.M.P. (MD) Nos.957 & 1118 of 2017
06.02.2017