

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**CRP(PD)No.1503 of 2018
and
C.M.P.No.8000 of 2018**

1.Syed Zohab Ali
2.Mrs.Hazira liaquat

Petitioners

Vs.

Mrs.D.Saraswathi

Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.03.2018 made in M.P.No.319 of 2017 in R.C.A.No.719 of 2017 on the file of the VIII (in charge IX Judge), Small Causes Court, Chennai.

For Petitioners :M/s.M.Elumalai

For Respondent :Mr.S.Stanley John

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ORDER

This Civil Revision Petition has been filed by the petitioner/plaintiff against the order dated 06.03.2018 made in M.P.No.319 of 2017 in R.C.A.No.719 of 2017 on the file of the VIII (in charge IX Judge), Small Causes Court, Chennai.

2. The respondent/landlord filed a petition before the Rent Controller against the revision petitioner for eviction. Subsequently, an order of eviction was passed. Feeling aggrieved by the order passed by the Rent Controller, the revision petitioner has approached the Rent Control Appellate Authority in RCA.No.719 of 2017.

3. Initially in the sent control appeal in RCA.No.719 of 2017, the revision petitioner got an interim of stay order. Subsequently, order of stay was not extended and after enquiry the stay petition was dismissed on merits. In the meanwhile, the respondent filed an excution petition to take delivery of the property. Subsequently the property was taken delivery and E.P. was also closed.

4. Heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondent.

5. Since the RCA.No.719 of 2017 is pending, admittedly the respondent has taken delivery of the property, no purpose will be served, if any order passed in this revision petition. However, it is made clear that if the petitioner is able to succeed in sent control appeal, it is open him to get re-delivery of the property in the manner known to law.

6. The Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

28.04.2018

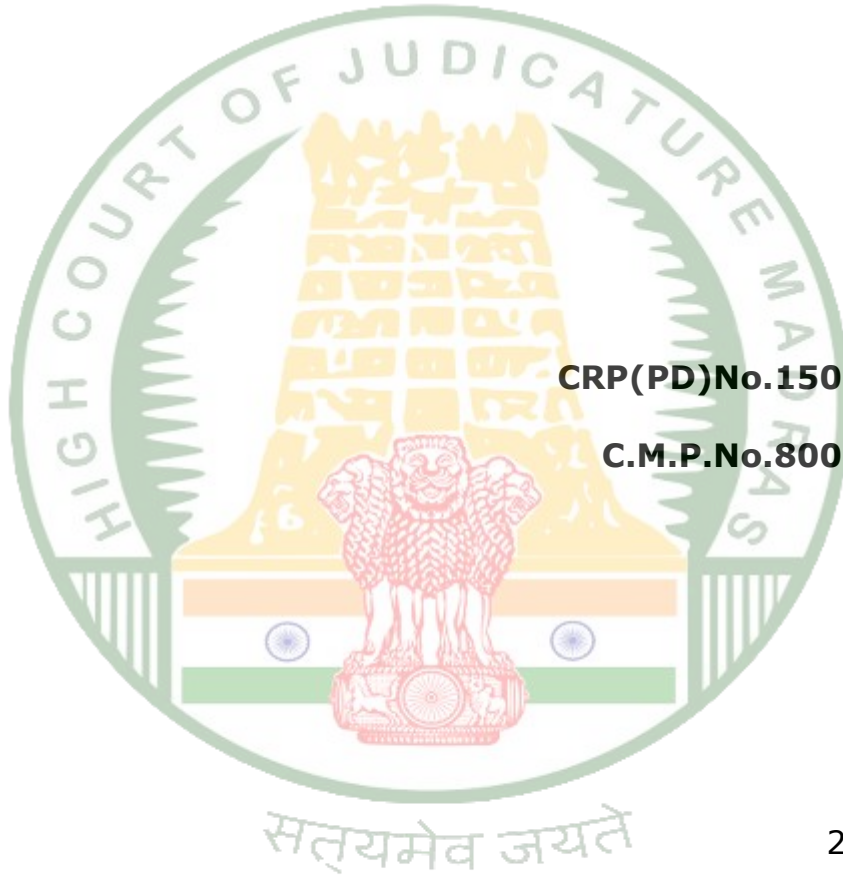
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To

The VIII (in charge IX Judge),
Small Causes Court, Chennai.

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P.VELMURUGAN, J.
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